



NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
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Andrew M. Cuomo
Governor

Informational Letter

Section 1

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| Transmittal: | 13-INF-01 |
| To: | Local District Commissioners |
| Issuing Division/Office : | Center for Employment and Economic Supports |
| Date: | February 20, 2013 |
| Subject: | Changes in the Earned Income Tax Credit (EITC) and provide SSDs a summary of other available federal and state tax credits for Tax Year 2012. |
| Suggested Distribution: | Temporary Assistance Directors SNAP Directors Employment Coordinators |
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| Attachments: | None |
| Attachment Available On – Line: | <input type="checkbox"/> |

Filing References

| Previous ADMs/INFs | Releases Cancelled | Dept. Regs. | Soc. Serv. Law & Other Legal Ref. | Manual Ref. | Misc. Ref. |
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Section 2

I. Purpose

The purpose of this Informational Letter (INF) is to inform social services districts (SSDs) of the changes in the Earned Income Tax Credit (EITC), and provide SSDs a summary of other available federal and State tax credits for Tax Year 2012.

SSDs are encouraged to inform clients and other low-income households of tax credits and the need to file federal and State income tax returns to claim these benefits. Details on how to obtain EITC outreach materials may be found in Part III - Program Implications of this INF.

II. Background

The EITC continues to be a very important tax benefit and work support available to employed low-income households. As in previous years, the New York State, New York City, and federal EITC are exempt as income and as a resource for purposes of Temporary Assistance (TA) or Home Energy Assistance Program (HEAP) eligibility.

In addition, New York State, New York City, and federal EITCs are excluded as being income or a resource for purposes of Supplemental Nutrition Assistance Program (SNAP) eligibility.

These tax credits are an important anti-poverty tool, which can dramatically increase economic resources available to eligible lower-income workers. Workers who qualify for the EITCs and file both State and federal tax returns can receive tax credits totaling as much as \$7,658. In addition, households that qualified for the credit during the past three tax years, but who never claimed the EITC to which they were entitled for any of those years, may file retroactively for the prior years' EITCs.

The program implications of EITC and other tax credits on TA and SNAP are detailed in GIS 11 TA/DC002.

Over 1.7 million New York households claimed \$3.7 billion in federal EITC and \$943 Million in State EITC for Tax Year 2010. The average Federal claim was \$2,131. Research indicates that 20 to 25 percent of those who are eligible each year fail to claim their credit, either because they are unaware of it or they don't know how to obtain it. That is why it is so important for SSDs to continue their outreach and education as to the available credits.

While OTDA's goal is to reach as many eligible low-income taxpayers as possible, particular target populations should include:

- Those receiving TA, SNAP, or HEAP benefits who are or were working during 2012; Those transitioning from TA to greater self sufficiency, who have had little or no previous labor force experience and may not be familiar with the EITC and other available tax benefits;

- Working non-parent relative caregivers who are raising EITC-eligible children in their home; and
- Legal immigrant households that may mistakenly believe they are ineligible for the EITC

The EITCs can significantly increase the available income of low-income wage earners. For example, for a family with two children and one wage earner holding a full-time minimum wage job, the State and federal EITCs can add over one-third to that person's earnings. Therefore, it is important for SSD staff to discuss the benefits of EITCs and encourage households to file for them. SSD staff should also encourage households to take advantage of Volunteer Income Tax Assistance (VITA) sites for free tax preparation assistance.

III. Program Implications

EARNED INCOME TAX CREDIT

The maximum credits have increased and are as follows:

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| - Three or more children | \$5,891 (Federal) + \$1,767 (State) = \$7,658 |
| - Two children | \$5,236 (Federal) + \$1,571 (State) = \$6,807 |
| - One child | \$3,169 (Federal) + \$951 (State) = \$4,120 |
| - No children | \$475 (Federal) + \$143 (State) = \$618 |

The qualifying income limits for EITCs have increased and are as follows:

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| - Three or more qualifying children | \$45,060 (or \$50,270 if married filing jointly) |
| - Two qualifying children | \$41,952 (or \$47,162 if married filing jointly) |
| - One qualifying child | \$36,920 (or \$42,130 if married filing jointly) |
| - No qualifying children | \$13,980 (or \$19,190 if married filing jointly) |

NEW YORK CITY EITC

New York City full-year residents and New York City part-year residents who claim the federal EITC may also claim a New York City EITC. A New York State income tax Form IT-215 must be completed and attached to the state income tax return in order to claim it. The credit is equal to 5% of the allowable federal EITC or up to \$295 for an eligible household with three or more children, up to \$262 for a household with two children, up to \$158 for a household with one child, and up to \$24 for a household with no children.

NONCUSTODIAL PARENT NEW YORK STATE EITC (NCP EITC)

New York State has a tax credit that is specifically available as an economic support for low-income noncustodial parents who are at least 18 years of age. The credit supplements the earnings of qualified noncustodial parents and helps them become more involved in the economic and social well-being of their children. A State Form IT-209 Claim for Noncustodial Parent New York State Earned Income Credit must be filed with Form IT-201 to claim the NCP NYSEITC.

To be qualified, a noncustodial parent must:

- Be a New York resident taxpayer;
- Be 18 years of age or older;
- Be a noncustodial parent and have a child(ren) that does not reside with him/her;
- Have a child support order through a New York State Child Support Collection Unit (SCU) for at least one-half year; and
- Have paid (100%) of the current amount of child support due for any tax year in which the NCP EITC is claimed.

Further details may be found in 06 ADM-12.

EITC AND CHILD ONLY CASES

Child-only cases are a significant portion of nearly every SSD's caseload. Of these, many are Non-parent Caregiver Cases in which the payee is a grandparent or other relative, who is not receiving TA and who has earned income. It is important to note that the children in these cases may meet the definition of "qualifying child(ren)" for EITC. OTDA strongly suggests that, in such cases in which the payee has earned income, an effort be made to make these payees aware of their potential eligibility for the EITCs and to refer them to the IRS website or to a local VITA site if one is available.

FEDERAL CHILD TAX CREDIT AND NEW YORK STATE EMPIRE STATE CHILD CREDIT

The federal Child Tax Credit, worth up to \$1,000 for each qualifying child under age 17, is a nonrefundable credit used to reduce the amount of tax liability. In some cases the federal Child Tax Credit may exceed the amount of tax liability and the taxpayer may be able to claim the remainder in the form of an Additional Child Tax credit, which is a refundable credit. The Additional Child Tax Credit may be claimed by filing Form 8812: Additional Child Tax Credit with the taxpayer's federal tax return.

The minimum earned income amount used to calculate the Additional Child Tax Credit remains at \$3,000 for Tax Year 2012.

The Empire State Child Credit is a credit for children ages 4-16. Taxpayers can claim a credit equal to the greater of \$100 multiplied by the number of children who qualify for the federal Child Tax Credit or 33% of the taxpayer's federal Child Tax Credit. State Form IT-213 is used to claim the credit.

In addition to the EITCs, a working family can claim both the federal Child Tax Credit and the NYS Empire State Child Credit.

CHILD AND DEPENDENT CARE CREDIT

The federal Child and Dependent Care Credit is a tax benefit that helps a qualifying family pay for child care or for the care of a spouse or adult dependent that is incapable of caring for him or herself. The credit is a nonrefundable credit which is a dollar-for-dollar reduction of the tax liability. A non-refundable credit can only reduce the tax liability to zero. The credit ranges from 20% to 35% of the taxpayer's expense. The percentage is based on

the taxpayer's earned income and adjusted gross income. The credit may be claimed by completing and attaching Form 2441 to Form 1040 or, if Form 1040A is filed, by completing and attaching Schedule 2.

The New York State credit is a minimum of 20% and as much as 110% of the federal credit, depending upon the amount of NYS adjusted gross income. Form IT-216 is used to claim the State credit. A New York City Child and Dependent Care Credit is also available for New York City residents and may be claimed using Form IT-216.

The federal Child and Dependent Care Credit is not a refundable tax credit; but may be used to reduce any tax liability. However, both the New York State and New York City credits are refundable so that the credit amount that exceeds tax liability is refunded to the taxpayer.

EDUCATION CREDITS

There are two education credits that may be claimed by eligible students by completing federal Form 8863: Education Credits (American Opportunity and Lifetime Learning Credits).

American Opportunity Credit: This credit can be applied to the first four years of postsecondary education. \$2,500 is the maximum credit per student that may be claimed each year. A change that occurred for Tax Year 2009 and continues for Tax Year 2012 is that the credit is now refundable, which means a student can receive up to \$1,000 even if no taxes are owed.

Lifetime Learning Credit: This credit is available for students at any point in their postsecondary education and for courses to acquire or improve job skills. The maximum credit is \$2,000 per tax return, regardless of the number of eligible students in the family.

New York State College Tuition Credit or Itemized deduction: This is a New York State tax credit for qualified tuition expenses that include only tuition paid for the undergraduate enrollment or attendance of the student at an institution of higher education. The refundable credit can be as much as \$400 per student for NYS residents. New York State nonresidents are not eligible for the credit. For tax year 2012, the maximum itemized deduction is \$10,000 for each eligible student. The college tuition itemized deduction may offer a greater tax savings if the taxpayer itemized deductions on their federal return. Taxpayers should use the worksheets in the instructions (IT-272-I instructions) to compute their deduction and determine if the credit or deduction is better for them.

CLAIMING TAX CREDITS FOR PREVIOUS YEARS

Taxpayers who were eligible for, but did not claim State and federal tax credits for the last three years (Tax Years 2009, 2010, 2011) can claim them now by completing Form 1040X: Amended U.S. Individual Income Tax Return and attaching it to a copy of the tax return filed for that year. If a federal return was not filed, the taxpayer will need to file his or her taxes using the appropriate forms for that year. Some VITA sites may be able to complete the amendment for the taxpayer. The taxpayer should check with their local VITA Site.

The New York State EITC likewise can be claimed for the last three years by filing the Form IT-201X. Taxpayers must attach a copy of every attachment (including Form IT-2 and any New York State credit form) that was submitted with their original return to their amended return, even if it has not changed as a result of the amendment. Since the amount of the State EITC is based upon the federal credit, taxpayers need to complete and submit the IT-215: Claim for Earned Income Credit for the appropriate year, if tax forms were filed for that year. If a New York State tax return was not filed for the given year, they must be filed at the same time using IT-201: Resident Income Tax return (long form).

FREE TAX PREPARATION AT VOLUNTEER INCOME TAX ASSISTANCE (VITA) SITES AND TAXPAYER ASSISTANCE

Individuals may obtain specific federal tax information by calling the IRS toll-free at 1-800-829-1040. New York State taxpayer assistance information is available by calling New York State Department of Taxation and Finance at 1-518-457-5181. Many workers, especially those who are new to the workforce, are hesitant to complete tax filings on their own because they are intimidated by the array of forms or are unfamiliar with the process. Such workers often seek help from commercial tax preparers and pay a fee for this service, which effectively reduces the net amount of any refund. In addition, some paid tax preparers offer, at an additional fee, refund anticipation loans. Again, these fees reduce the net amount of the refund, and should be discouraged in most circumstances in favor of waiting for the full refund due from the government. A preferable alternative is for individuals to receive tax information or have their **tax forms completed and e-filed for free** by visiting their local VITA site. Most sites provide e-filing and if used, that taxpayer can receive their refund and/or credits within 10 business days. VITA Sites provide these services at no charge for qualified individuals and families with a total income less than \$51,000 for 2012. From the end of January through April 15, 2013, VITA sites will operate within every county throughout the State.

Several SSD offices are hosting VITA sites this coming tax season. For those SSDs not hosting a tax preparation site, a statewide listing of VITA locations is available electronically on the OTDA website at: <http://otda.ny.gov/programs/tax-credits/vita/>. Locations of VITA sites will be publicized in the media or can be obtained by calling the toll free IRS telephone number: 1-800-906-9887. OTDA recommends that SSD workers know where VITA sites are located in their districts, and offer this information when encouraging families to apply for the EITC and other credits.

OUTREACH AND PROMOTIONAL MATERIALS

Outreach and promotional materials produced by the Center on Budget and Policy Priorities can be downloaded from their website: <http://eitcoutreach.org>. Within the kit are flyers and envelope stuffers available in both English and Spanish. Detailed information on tax credits and outreach strategies also can be downloaded from the site.

myBenefits WEBSITE

The OTDA website www.myBenefits.ny.gov serves as a single internet portal for visitors to connect with benefits, services, and work supports. Through this site visitors can learn

about and be screened for an array of work supports from tax credits to SNAP, HEAP, WIC, health insurance, and school breakfast and lunch programs or they can apply on-line for SNAP benefits. There are also direct links to “Resources for Working Families” and a county-by-county listing of VITA sites. Because most taxpayers who are eligible for one work support are also likely to be eligible for many of the other supports, we strongly encourage local staff to provide their clients with this website address or access the site with their clients to screen them for eligibility for other work supports or to apply for SNAP benefits.

FORMS INFORMATION

The EITC brochure, [PUB 4786: The Earned Income Tax Credit](#) has been updated and is available to be ordered:

Online - <http://otda.ny.gov/main/programs/publications/> or,
by Mail - complete order form [OTDA-876](#) and send it to:

NYS Office of Temporary and Disability Assistance
BMS Document Services and Operational Support
P.O. Box 1990
Albany, NY 12201

Copies of the brochure may be downloaded from the OTDA website at <http://otda.ny.gov/main/programs/publications/> including versions in Arabic, Chinese, Russian, and Spanish, as well as English.

Questions concerning ordering forms should be directed to BMS Document Services at 1-800-343-8859 ext. 4-9522 or by email to: forms.orders@otda.state.ny.us.

NEW YORK STATE TAX REFUND DEBIT CARD INFORMATION

Once again, New York State Tax Department will offer the option of taxpayers receiving their personal income tax refund via a prepaid debit card. This prepaid card is a particularly useful option for taxpayers who do not have bank accounts. The state-administered prepaid card enables these taxpayers to avoid the expense of check cashing fees. There is no charge to the taxpayer for using the card to make in-network ATM cash withdrawals or purchases, or to remove cash from the card in one bank teller transaction. Direct deposit and paper checks still will be available.

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