



Office of Temporary and Disability Assistance

ANDREW M. CUOMO
Governor

MICHAEL P. HEIN
Commissioner

BARBARA C. GUINN
Executive Deputy Commissioner

Informational Letter

Section 1

Transmittal:	20-INF-03
To:	Social Services District Commissioners
Issuing Division/Office:	Employment and Income Support Programs
Date:	January 23, 2020
Subject:	Changes in the Earned Income Tax Credit (EITC) and Summary of Other Available Federal and State Tax Credits for Tax Year 2019
Suggested Distribution:	Temporary Assistance Directors SNAP Directors Employment Coordinators Child Support Program Coordinators Support Collection Unit Supervisor
Contact Person(s):	Susanne Haag (518) 486-6291
Attachments:	
Attachment Available Online:	<input type="checkbox"/>

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
06-ADM-12-T	18-INF-02	352.20(g)	131-n	TASB 19(D)(11) SNAPSB 17(C)(24)	PUB 4786 PUB 4951 GIS11 TA/DC002

Section 2

I. Purpose

The purpose of this Informational Letter (INF) is to inform social services districts (districts) of changes in the Earned Income Tax Credit (EITC) and to provide districts with a summary of other available federal and State tax credits for Tax Year 2019.

Districts are encouraged to inform clients and other low-income households of the potential availability of tax credits, the need to file federal and State income tax returns to claim these tax credits, and the availability of free tax filing through Volunteer Income Tax Assistance sites (VITA) and Facilitated Self Assistance (FSA) sites. Details on how to obtain EITC outreach materials may be found in Part III of this INF.

II. Background

The EITC represents a significant potential tax benefit and work support for struggling households with earned income. As in previous years, New York State, New York City and federal EITCs are considered exempt both as income and as a resource for purposes of Temporary Assistance (TA), Supplemental Nutrition Assistance Program (SNAP) and Home Energy Assistance Program (HEAP) eligibility.

These tax credits are an important anti-poverty tool which can dramatically increase the economic resources available to eligible lower-income workers. Workers who qualify for EITCs and file both State and federal tax returns can receive tax credits potentially totaling as much as \$8,852 (including NYC EITC). In addition, households that qualified but failed to claim EITCs may file retroactively for up to three prior years.

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

It is estimated that up to 20 to 25 percent of those eligible each year fail to claim their credit, either because they are unaware or don't know how to obtain it. While OTDA's goal is to reach as many eligible low-income taxpayers as possible, target populations should include:

- Those receiving TA, SNAP or HEAP benefits who are, or were working during 2019, including newly employed individuals who have 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,
- Eligible immigrant households that may mistakenly believe they are ineligible for the EITC.

EITCs can significantly increase available income for a low-income wage earner, potentially adding more than one-third to that person's earnings. Therefore, it is important for district staff to discuss the benefits of EITCs and encourage households to file. District staff should also encourage households to take advantage of VITA sites for free tax preparation assistance or FSA sites to complete and file taxes on their own.

III. Tax Credit Information

EARNED INCOME TAX CREDIT

The maximum credits have increased and are as follows:

- Three or more qualifying children \$6,557 (Federal) + \$1,967 (State) = \$8,524
- Two qualifying children: \$5,828 (Federal) + \$1,748 (State) = \$7,576
- One qualifying child: \$3,526 (Federal) + \$1,058 (State) = \$4,584
- No qualifying children: \$529 (Federal) + \$159 (State) = \$688

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

- Three or more qualifying children: \$50,162 (or \$55,952 if married filing jointly)
- Two qualifying children: \$46,703 (or \$52,493 if married filing jointly)
- One qualifying child: \$41,094 (or \$46,884 if married filing jointly)
- No qualifying children: \$15,570 (or \$21,370 if married filing jointly)

PLEASE NOTE: Investment income cannot exceed \$3,600.

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 to claim the State and City credit. The City credit is equal to 5% of the allowable federal EITC or up to \$328 for an eligible household with three or more qualifying children, up to \$291 for a household with two children, up to \$176 for a household with one child, and up to \$26 for a household with no children.

NONCUSTODIAL PARENT NEW YORK STATE EARNED INCOME CREDIT (Noncustodial EIC)

New York State has a tax credit specifically available as an economic support for low-income noncustodial parents who earned less than \$41,094 in 2019 and who are at least 18 years of age. This credit is worth up to \$1,323. The credit supplements the earnings of qualified noncustodial parents, which can help 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 EIC.

To be qualified, a noncustodial parent must:

- Be a full-year 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 and was under 18 years old;
- Have a child support order payable through a New York State Child Support Collection Unit (SCU) for at least one-half of the tax year; and,
- Have paid 100% of the current child support obligation due for any tax year in which the Noncustodial Parent EIC is claimed.

Further detail on the Noncustodial EIC may be found in 06-ADM-12-T or by visiting: https://www.childsupport.ny.gov/dcse/non_custodial_parent_services.html.

EITC AND CHILD ONLY CASES

Child only cases are a significant portion of nearly every district'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 "qualified 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 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, now worth up to \$2,000 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 worth up to \$1,400. The Additional Child Tax Credit may be claimed by filing Form 8812: Additional Child Tax Credit with the taxpayer's federal return.

The minimum earned income amount used to calculate the Additional Child Tax Credit is \$2,500 for Tax Year 2019.

The Empire State Child Credit is a credit for children ages 4-16. Taxpayers can claim a credit equal to \$100 multiplied by the number of qualifying children, or up to a maximum of \$330 per child, based on the taxpayer's income. 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 New York State 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 the care of a spouse or adult dependent that is incapable of caring for him or herself. The credit ranges from 20% to 35% of the taxpayer 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.

The New York State Child and Dependent Care Credit is a minimum of 20% and as much as 110% of the federal credit, depending upon the amount of New York State adjusted gross income. The 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 by using Form IT-216.

The federal Child and Dependent Care Credit is a nonrefundable credit, which is a dollar-for-dollar reduction of the tax liability. A nonrefundable credit can only reduce the tax liability to zero. 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 taxpayers 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. The maximum credit that can be claimed each year per student is \$2,500. Forty percent (40%) of the credit is refundable, which means that a taxpayer may receive up to \$1,000 even if they have no tax liability.

Lifetime Learning Credit: This credit is available to students at any point in the 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 includes 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 State residents. For tax year 2019, 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 State 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.

It is important to note that in addition to the 1098-T, taxpayers should use a student account statement to determine the expenses correctly attributable to the 2019 tax year.

IMPORTANT NOTE ON REFUNDABLE CREDITS: The Internal Revenue Service will **not** be issuing any refunds on 2019 returns that include refundable credits, such as the Earned Income and/or Additional Child Tax Credit, prior to February 15, 2020, regardless of when and how the return was filed. This delay allows for income verification.

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 2016, 2017 and 2018) can claim them by completing Form 1040X: Amended U.S. Individual Income Tax Return. 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.

PLEASE NOTE: Taxpayers who obtain a Social Security number after the tax year are not able to claim EITC for prior years.

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 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. Taxpayers need to complete and submit the IT-215: Claim for Earned Income Credit for the appropriate year.

If a New York State tax return was not filed for the given year, it must be filed at the same time using IT-201: Resident Income Tax return.

FREE TAX PREPARATION, E-FILING AND TAXPAYER ASSISTANCE

Individuals may obtain specific federal tax information on the IRS Website: <http://www.irs.gov> or by calling the IRS toll free at: (800) 829-1040. New York State taxpayer assistance information is available at: <http://www.tax.ny.gov> or by calling the New York State Department of Taxation and Finance at: (518) 457-5181. Many workers, especially those 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 can significantly reduce the net amount of any refund. In addition, for extra fees and a significantly higher rate of interest, some paid preparers offer 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 full refunds due.

A preferable alternative is for individuals to have their **tax forms completed and e-filed for free** by visiting their local VITA sites. Most sites provide e-filing and if used, more than 9 out of 10 taxpayers receive their refund and/or credits within 21 days if direct deposited into their bank account. VITA sites provide these services at no charge for qualified individuals and families with a total income less than \$56,000 for 2019. From the end of January through April 15, 2020, VITA sites will operate in nearly every New York county.

Locations of VITA sites will be publicized in the media or can be obtained by calling the toll-free IRS telephone number: (800) 906-9887 or by entering zip code information on the IRS website at: <http://www.irs.gov/Individuals/Free-Tax-Return-Preparation-for-You-by-Volunteers>. The list maintained by the IRS only lists sites currently active so taxpayers should check once the filing season has started to find the most comprehensive listing. OTDA recommends that district staff know where VITA sites are located in their county and offer this information when encouraging families to apply for the EITC and other credits.

Taxpayers with annual income of less than \$66,000 can also file both their State and federal tax returns at a Facilitated Self Assistance (FSA) site for free. These sites have computers and

reference materials available as well as a volunteer able to help the taxpayer navigate name brand tax software. The New York State Department of Taxation and Finance will be offering multiple FSA sites throughout the State. Locations can be found at: <https://www.tax.ny.gov/fsa>.

Taxpayers with their own computer can visit and file through: <http://www.myfreetaxes.com>. This includes one federal and up to three state e-file returns. Customers with an income above the limit for free filing will be charged a nominal fee.

OUTREACH AND PROMOTIONAL MATERIALS

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

In addition, OTDA and the Department of Tax and Finance have revised PUB-4786: “*Get All the Credit You Deserve with EITC.*” <http://otda.ny.gov/programs/publications/4786.pdf>. This publication provides an overview of the credit, eligibility criteria and income and benefit levels. PUB-4786A: “*Get All the Credit You Deserve with EITC,*” <http://otda.ny.gov/programs/publications/4786A.pdf> is the brochure’s corresponding poster that can be used to assist with EITC outreach efforts. Details regarding how to order these publications are included in the Forms Information section below.

MyBenefits WEBSITE

The OTDA website: <http://myBenefits.ny.gov> serves as a single internet portal for visitors to connect with benefits, services and work supports. Site visitors can learn about and be screened for an array of work supports including tax credits, SNAP, HEAP, Women Infants and Children (WIC), health insurance, and school breakfast and lunch programs, or can apply online for SNAP benefits. Households outside of New York City may also apply online for regular HEAP benefits. There are also direct links to “Resources for Working Families,” and to the IRS for a listing of VITA sites by zip code. Since most taxpayers eligible for one work support are also likely to be eligible for other supports, district staff are strongly encouraged to provide clients with this website address or assist them with accessing the site to screen for eligibility for other work supports or apply for HEAP and SNAP benefits.

FORMS INFORMATION

- The updated PUB-4786 and PUB-4786A: “*Get all the Credit You Deserve with EITC,*” are posted on the OTDA Intranet website at: http://otda.state.nyenet/ldss_eforms/default.htm.
- Upon release of this INF, all previous versions of the PUB-4786: “*Get all the Credit You Deserve with EITC*” (brochure) should be destroyed and replaced with the revised 11/19 version.

Requests for printed copies of the EITC brochure (PUB-4786) and poster (PUB-4786A) should be submitted to OTDA by completing the OTDA-876 form available at the link above, and e-mailing the form to: forms.orders@otda.ny.gov, or by using the online ordering system at <http://formorders/>.

Questions concerning ordering forms should be directed to BMS Document Services at: (518) 474-9489.

Issued By

Name: Jeffrey Gaskell
Title: Deputy Commissioner
Division/Office: Employment and Income Support Programs/Office of Temporary and Disability Assistance