



Application for Automatic Six-Month Extension of Time to File for Individuals (with instructions)

IT-370

Instructions

Changes for 2011

We will no longer accept a copy of federal Form 4868, *Application for Automatic Extension of Time to File U.S. Individual Income Tax Return*, in place of Form IT-370. Previously, you could submit a copy of federal Form 4868 in place of Form IT-370, if you expected to receive a refund or anticipated having no amount of New York State, New York City, or Yonkers income tax, or state or local sales or use tax, remaining unpaid as of the due date of your return.

Ask for your extension online

Instead of using paper Form IT-370 to request an extension of time to file, you can complete your request for free on our Web site (at www.tax.ny.gov). If you are using a software package that offers an e-file option for extensions and you use that software to prepare your extension, you are required to e-file your extension. The online and e-file options provide you with a confirmation that we received your extension request. **Note:** If your paid preparer is required to e-file your personal income tax return, and is also preparing your extension request, the preparer must e-file your extension request.

General information

Purpose

File Form IT-370 on or before the due date of the return to get an automatic six-month extension of time to file Form IT-201, *Resident Income Tax Return*, or Form IT-203, *Nonresident and Part-Year Resident Income Tax Return* (including attachments).

If you are requesting an extension of time to file using Form IT-370, you may still file Form IT-201 or Form IT-203 electronically, provided you meet the conditions for electronic filing as listed in the instructions for the forms.

If you have to file Form Y-203, *Yonkers Nonresident Earnings Tax Return*, the time to file is automatically extended when you file Form IT-370. For more information on who is required to file Form Y-203, see the instructions for the form.

We cannot grant an extension of time to file for more than six months if you live in the United States. However, you may qualify for an extension of time to file beyond six months under section 157.3(b)(1) of the personal income tax regulations because you are outside the United States and Puerto Rico, or you intend to claim nonresident status under section 605(b)(1)(A)(ii) of the Tax Law (548-day rule), as explained in the instructions for Form IT-203 under *Additional general information*. Also see the special condition code instructions for the return you will be filing (Form IT-201 or Form IT-203).

When to file

File **one** completed Form IT-370 on or before the filing deadline for your return (extension applications filed after the filing deadline for the return are invalid). Generally, the filing deadline is the fifteenth day of the fourth month following the close of your tax year (April 17, 2012, for calendar-year filers, due to mailing rules).

However, you may file Form IT-370 on or before:

- **June 15, 2012**, if you qualify for an automatic two-month extension of time to file your federal and New York State income tax returns because you are out of the country (for additional information, see *When to file/important dates* on the back cover of the instructions for the return you are filing) **and** you need an additional four months to file (October 15, 2012);
- **June 15, 2012**, if you are a U.S. nonresident alien for federal income tax purposes and you qualify to file your federal and New York State income tax returns on June 15, 2012, **and** you need an additional six months to file (December 17, 2012); or
- **July 16, 2012**, (if your due date is April 17, 2012) or **September 13, 2012**, (if you are a nonresident alien and your due date is June 15, 2012), if you qualify for a 90-day extension of time to file because your spouse died within 30 days before your return due date **and** you need additional time to file. However, you must file your return on

▼ Detach here ▼ Do not attach to your return.



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Paid preparer? Mark an **X** in the box and complete the back

Your social security number (SSN)		Spouse's SSN (only if filing a joint return)	
Your first name and middle initial		Your last name	
Spouse's first name and middle initial		Spouse's last name	
Mailing address (number and street or rural route)		Apartment number	
City, village, or post office (see instructions)	State	ZIP code	
E-mail:			

Enter your 2-character special condition code if applicable (see instructions)

Mark an **X** in the box for each tax that you are subject to:

New York State tax New York City tax Yonkers tax

Dollars Cents

1 Sales and use tax **00**

2 Total payment **00**



or before October 15, 2012, if your due date is April 17, 2012, or on or before December 17, 2012, if you are a nonresident alien and your due date is June 15, 2012.

See *Special condition codes* on page 3.

If you qualify for an **extension of time to file beyond six months**, you must file Form IT-370 on or before the filing deadline for your return.

How to file

Complete Form IT-370 and file it, along with payment for any tax due, on or before the due date of your return. Use the worksheet on page 3 to determine if a payment is required.

Spouses who file separate returns must complete separate Forms IT-370. Do not include your spouse's SSN or name on your separate Form IT-370.

Payment of tax — To obtain an extension of time to file, you must make full payment of the properly estimated tax balances due. Payment may be made by check or money order. See *Payment options* below.

Penalties

Late payment penalty — If you do not pay your income tax liability when due (determined with regard to any extension of time to pay), you will have to pay a penalty of ½ of 1% of the unpaid amount for each month or part of a month it is not paid, up to a maximum of 25%. The penalty will not be charged if you can show reasonable cause for paying late. This penalty is in addition to the interest charged for late payments.

Reasonable cause will be presumed with respect to the addition to tax for late payment of income tax if the requirements relating to extensions of time to file have been complied with, the balance due shown on the income tax return, reduced by any sales or use tax that is owed, is no greater than 10% of the total New York State, New York City, and Yonkers income tax shown on the income tax return, and the balance due shown on the income tax return is paid with the return.

Late filing penalty — If you do not file your Form IT-201 or Form IT-203 when due (determined with regard to any extension of time to file), or if you do not file Form IT-370 on time and

obtain an extension of time to file, you will have to pay a penalty of 5% of the income tax due for each month, or part of a month, the return is late, up to a maximum of 25%. However, if your return is not filed within 60 days of the time prescribed for filing a return (including extensions), this penalty will not be less than the lesser of \$100 or 100% of the amount required to be shown as income tax due on the return reduced by any tax paid and by any credit that may be claimed. The penalty will not be charged if you can show reasonable cause for filing late.

Interest

Interest will be charged on income tax or sales or use tax that is not paid on or before the due date of your return, even if you received an extension of time to file your return. Interest is a charge for the use of money and in most cases may not be waived. Interest is compounded daily and the rate is adjusted quarterly.

Fee for payments returned by banks

The law allows the Tax Department to charge a \$50 fee when a check, money order, or electronic payment is returned by a bank for nonpayment. However, if an electronic payment is returned as a result of an error by the bank or the department, the department won't charge the fee. If your payment is returned, we will send a separate bill for \$50 for each return or other tax document associated with the returned payment.

Specific instructions

See the instructions for your tax return for the *Privacy notification* or if you need help contacting the Tax Department.

Name and address box — Enter your name (both names if filing a joint application), address and social security number(s). Failure to provide a social security number may invalidate this extension. If you do not have a social security number, enter **do not have one**. If you do not have a social security number, but have applied for one, enter **applied for**.

Foreign addresses — Enter the information in the following order: city, province or state, and then country (all in the *City, village, or post office box*). Follow the country's practice for entering the postal code. **Do not abbreviate the country name.**

▼ Detach here ▼ Do not attach to your return.

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Payment options — Full payment must be made by check or money order of any balance due with this automatic extension of time to file. Make the check or money order payable to **New York State Income Tax** and write your social security number and **2011 Income Tax** on it.

For online payment options, see our Web site (at www.tax.ny.gov).

Paid preparers — When signing Form IT-370, you must enter your New York tax preparer registration identification number (NYTPRIN) if you are required to have one. Also, you must enter your federal preparer tax identification number (PTIN) if you have one; if not, you must enter your social security number.

Paid preparers may be subject to a penalty for failure to conform to certain requirements. For more information, see Publication 58, *Information for Income Tax Return Preparers*.

▼ Paid preparer must complete (see instructions) ▼	Date:
Preparer's signature	▶ Preparer's NYTPRIN
Firm's name (or yours, if self-employed)	▼ Preparer's PTIN or SSN
Address	● Employer identification number
E-mail:	Mark an X if self-employed <input type="checkbox"/>



Special condition codes — If you are out of the country and need an additional four months to file (October 15, 2012), enter special condition code **E3**. If you are a nonresident alien and your filing due date is June 15, 2012, and you need an additional six months to file (December 17, 2012), enter special condition code **E4**. If you qualified for a 90-day extension of time to file because your spouse died, and you need additional time to file (on or before October 15, 2012, or in the case of a nonresident alien, on or before December 17, 2012), enter special condition code **D9**. Also enter the applicable special condition code, **E3**, **E4**, or **D9** on Form IT-201 or Form IT-203 when you file your return.

Worksheet instructions

Complete the following worksheet to determine if you must make a payment with Form IT-370.

If you enter an amount on lines 1, 2, or 3 of this worksheet, mark an **X** in the appropriate box on the front of this form.

Line 1 — Enter the amount of your New York State income tax liability for 2011 that you expect to enter on Form IT-201, line 46, or Form IT-203, line 50.

Line 2 — Enter the amount of your New York City income tax liability for 2011 that you expect to enter on Form IT-201, line 54, or Form IT-203, line 52c.

Line 3 — Enter the amount of your Yonkers income tax liability for 2011 that you expect to enter on Form IT-201, lines 55, 56, and 57; or Form IT-203, lines 53 and 54.

Line 4 — Enter the amount of sales and use tax, if any, that you will be required to report when you file your 2011 return. See the instructions for your NYS income tax return for information on how to compute your sales and use tax. Also enter this amount on line 1 on the front of this form.

Line 6 — Enter the amount of 2011 income tax already paid that you expect to enter on Form IT-201, line 76, or Form IT-203, line 66 (excluding the amount paid with Form IT-370).

Worksheet

1	New York State income tax liability for 2011	1.	_____
2	New York City income tax liability for 2011 ...	2.	_____
3	Yonkers income tax liability for 2011	3.	_____
4	Sales and use tax due for 2011 (enter this amount here and on line 1 on the front)	4.	_____
5	Total taxes (add lines 1 through 4)	5.	_____
6	Total 2011 income tax already paid	6.	_____
7	Total payment (subtract line 6 from line 5 and enter this amount here and on line 2 on the front). If line 6 is more than line 5, enter 0	7.	_____

Note: You may be subject to penalties if you underestimate the balance due.

How to claim credit for payment made with this form

Include the amount paid with Form IT-370 on Form IT-201, line 75, or Form IT-203, line 65.

For more information, see the line instructions for the return you file.

Where to file

If you are enclosing a payment with Form IT-370, mail to: **Extension Request, PO Box 4125, Binghamton NY 13902-4125.**

If you are not enclosing a payment with Form IT-370, mail to: **Extension Request-NR, PO Box 4126, Binghamton NY 13902-4126.**

For information about private delivery services, see Publication 55, *Designated Private Delivery Services*.

