

NY NATP

Webinars!

Check out Page 2 for more information!

In January we have a **FREE NYS Late Breaking update** for NATP members! Sign up today!

Chapter Office Hours

EMAIL is the best way to reach us

Keep in mind, we can only answer NY based questions!

NewYorkNATP@gmail.com

**We are in the office for phone calls:
Monday, Tuesday and Thursday from 10AM to 5 PM**

E-News

New York Chapter of NATP
Monthly Newsletter

December 2022

IRS announces tax relief for severe winter storm and snowstorm in New York! Following the disaster declaration issued by the Federal Emergency Management Agency, individuals and households affected by the severe winter storm and snowstorm that reside or have a business in Cattaraugus, Chautauqua, Erie, Genesee, Jefferson, Lewis, Niagara, Oneida, Oswego, St. Lawrence, and Wyoming counties qualify for tax relief. The declaration permits the IRS to postpone certain tax-filing and tax-payment deadlines for taxpayers who reside or have a business in the disaster area. For instance, certain deadlines falling on or after November 18, 2022, and before March 15, 2023, are granted additional time to file through March 15, 2023. Visit the link below for more information! <https://www.irs.gov/newsroom/irs-announces-tax-relief-for-severe-winter-storm-and-snowstorm-in-new-york>



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This Month's Issue

- Webinar Series 2022-2023
- NYS Preparer registration
- Did you know?
- Attack on the NY Convenience Rule
- Quickfinder Discount

Contributors:

Kathryn M. Keane, EA
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NY NATP 2022-2023 Webinar Series

Preparing a Basic IT 201 Tax Return

Presenter: Dan Paoletti, EA

Cost: \$30

Tuesday, December 20th, 2022, 2 PM - 4 PM EST

Preparing a Basic IT 201 Tax Return IN SPANISH

Presenter: Joseph E Rodriguez, EA

Cost: \$30

Wednesday, December 21st, 2022, 2 PM - 4 PM EST

This webinar is the same as the December 20th webinar, just presented in SPANISH

IT203 Nonresident and Part Year Resident

Presenter: Richard Rottkamp, EA

Cost: \$30

Tuesday, January 10th, 2023, 2 PM - 4 PM EST

Late Breaking NYS Update

Presenter: Kathryn M Keane, EA

Cost: FREE (Available to NY NATP Members only)

Tuesday, January 17th, 2023, 11AM- 12 PM EST

***No Federal CE is available for these courses**

****This class does not qualify for the NYS Preparer Registration credits****

On Demand version will be available shortly after the original broadcast

Did you know?

If you need more info, email: newyorknatp@gmail.com

New York City Comptroller Proposes Reforming Property Tax System

New York City Comptroller Brad Lander (D) announced in a news release his presentation to the city council's Finance Committee of a framework for reforming the city's property tax system; his proposal includes incentivizing the development of new multifamily rental housing by lowering the tax rate to be on par with condominiums and providing a homestead exemption for homeowners using their property as a primary residence.

New York Tax Department Releases State Withholding Tables for 2023

The New York State Department of Taxation and Finance released the personal income tax withholding tables and methods for state residents, effective January 1, 2023.

New York Tax Department: MTA Surcharge Rate Remains at 30 Percent

New York's surcharge on corporations that derive receipts from activity in the Metropolitan Commuter Transportation District will remain at its present rate, according to the State Department of Taxation and Finance.

New York's November 2022 Local Sales Tax Revenues Up 8.8 Percent

The New York state comptroller has reported that statewide local sales tax collections for November 2022 were \$1.72 billion, an increase of \$139 million — or 8.8 percent — from November 2021, with most counties seeing year-over-year growth in revenues; the comptroller advised local officials to continue monitoring economic factors affecting sales taxes in the context of making their revenue estimates for the rest of 2022.

Continuing education requirements for tax return preparers who prepare NYS returns

Now open for 2023 Registration!

Who must complete requirements?

If you meet New York State’s definition of a *commercial tax return preparer*, you have New York State continuing education requirements. These requirements may not be satisfied with either CPE or CLE credits. You can see [Who is a tax return preparer or facilitator](#) to determine whether you meet the state’s definition.

What your requirements are

You must complete free online continuing education courses.

Course requirements		
If you	and you	you must complete the curriculum titled:
have not previously registered	are registering for the first time with New York State,	<i>2023 Registration Education Requirements - 16 Qual.</i>
registered in 2022	completed the <i>2022 Registration Education Requirements - 16 Qual,</i>	<i>2023 Registration Education Requirements - 4 CPEs.</i>
registered in 2022	completed the <i>2022 Registration Education Requirements - 4 CPEs,</i>	<i>2023 Registration Education Requirements - 4 CPEs</i>

Note: The IRS course for tax preparers (*Tax Return Preparer Certification*) **does not count** toward your required New York State hours of coursework.

Who must register

Unless exempt*, you must register, or renew your registration, as a tax return preparer, facilitator, or both with the New York State Tax Department for every calendar year in which you:

- will be paid to prepare a substantial portion of any New York State tax return or report, or
- will facilitate a refund anticipation loan (RAL) or refund anticipation check (RAC).

This applies even if you do not live or work in NYS! Unless exempt, if you prepare even one (1) NYS return for a fee, you must comply with these rules!

How to register

1. Log in to (or create) your **Individual Online Services account (NOT A Tax Preparer Account)**.
2. Select the ≡ *Services* menu in the upper-left corner of your *Account Summary* homepage.
3. Select *Tax preparer registration*, then choose *Register as a tax preparer or facilitator* from the expanded menu.
4. Follow the prompts to complete your registration.
5. When you reach the *Transaction Confirmation* page, select:
 - **Print** to save the confirmation page for your records.
 - **Print Certificate and Form** to print a copy of the form you filed and your Certificate of Registration (it contains your registration information and your New York Tax Preparer Identification Number [NYTPRIN]).

***Are you exempt? See the final page of the Newsletter**

ATTACK ON THE NEW YORK CONVENIENCE RULE

By Michael Novick

Remote work has been trending upward over the past 3 years. A worker can perform their duties from the comfort of their home and never step foot in their employer's place of business. Such workers can nevertheless be subject to nonresident income tax in the state where the employer is located. Sounds crazy, doesn't it? Welcome to the Convenience Rule.

When a nonresident works for a New York State employer, income derived from work in another state is still sourced to New York unless the work is performed out of state for the employer's necessity. Here are a few real-life examples:

- Chris worked as a vice president in the fashion industry. When he was hired, he lived and worked in New York City. For lifestyle reasons, he purchased a home in Austin, TX and continued to work out of a home office for the same employer. Even if he never stepped foot in NYS after the move, the income is still sourced there. The employer doesn't care whether the services are performed in its NY showroom or Chris's basement. Since the working arrangement suits the employee's convenience, it is taxable to NY
- Stacy, a NJ resident, works as a Account Executive in the financial services industry. She is primarily based out of her employer's NYC offices, but she periodically works at home. As part of her job, Stacy is required to attend meetings and conferences across the country. Stacy is not entitled to any tax relief for the days worked at home. By contrast, the time spent at the out of state meetings and conferences was performed for the employer's necessity and are subject to NY nonresident allocation.

A New Jersey committee recently approved a bill that would apply its own convenience rule to NJ nonresidents. Some might argue that this bill is essentially a tit for tat measure aimed at getting even with New York. Would such a law be legally sustainable? For what it's worth, my 2 cents says that it would.

While the New Jersey bill would apply to New York residents, It wouldn't apply exclusively to New Yorkers. Other states have started applying their own versions of the Convenience Rule and their residents would also bear the consequences.

If you've been preparing taxes for more than 40 years, you might remember the NJ Emergency Transportation Tax. New York residents who worked in New Jersey were required to file 2 tax returns. The first return used the New Jersey Gross Income Tax rules and rates while the second was essentially a carbon copy of the New York IT-203. Not surprisingly, New York residents were required to pay the higher of the two taxes. In addition, since the Emergency Transportation Tax used the New York rates and rules, its tax liability was usually the higher one.

Since the Emergency Transportation Tax only applied to New York State residents working in New Jersey, it was repealed in 1984. The court ruled that a tax that only applied to New York residents could not be upheld.

In my opinion, there is a crucial difference between the New Jersey committee's bill and the Emergency Transportation Tax. The ETT only hit New Yorkers in their pockets; it did not apply to residents of CT, DE, etc. While New Yorkers will be significantly impacted by the NJ bill (and maybe even more so than other states), it would also apply to any state that uses the Convenience Rule.

Happy Holiday season to all. I think it's fair to say that there will be more to come in 2023.

Purchasing a Quickfinder?

It's always the right time to save! So, we've made it easy to save time finding the right answers to your clients' tax questions and take advantage of special pricing exclusively available to our premier customers.

The more you buy. The more you save. With our quantity discounts, you can choose the products you want in the quantities you need to build your perfect tax quick reference library.

<http://newyorknatp.com/quickfinder-purchase/>

Quickfinder Association Code Q680

You also receive a discount when you mention our codes!

The NY Chapter THANKS YOU FOR YOUR SUPPORT!!

NY Chapter Founders Award

Ralph Sommers
2013

Wendy C. Loomis
2014

Karl Herba
2015

Dwayne "Rocky" Rhodes
2016

Kathryn M. Keane
2017

Richard Rottkamp
2019



Newsletter Committee:

Kathryn M. Keane, EA
Christina Parisi &
Tricia Santana

Do you need to register with NYS as a tax preparer?

Those who are excluded from the registration/education requirements are:

- attorneys,
- certified public accountants (CPAs),
- public accountants (PAs),
- enrolled agents (EAs),
- volunteer tax preparers,
- employees who are supervised by attorneys, CPAs, PAs, or EAs, and
- employees of a business preparing only the business' tax returns

Most others MUST register, take the classes and pay the registration fees! Even if you are not living/working in NYS, if you prepare a NYS return for money you must register!