

Multistate Tax Alerts

Throughout the week, we highlight selected developments involving state tax legislative, judicial, and administrative matters. The alerts provide a brief summary of specific multistate developments relevant to taxpayers, tax professionals, and other interested persons. Read the recent alerts below or visit the archive.

Archive: <https://www2.deloitte.com/us/en/pages/tax/articles/multistate-tax-alert-archive.html?id=us:2em:3na:stm:awa:tax>

New York Appellate Court Reverses Tax Appeals Tribunal in Statutory Resident Case

On June 30, 2022, the New York Supreme Court, Appellate Division, Third Department (“Appellate Division”) issued its opinion in *Matter of Nelson Obus et al., v. New York State Tax Appeals Tribunal et al.*, ruling that an individual domiciled in New Jersey who, due to his employment, spent more than 183 days in New York during each year at issue and owned a vacation home in upstate New York that was determined to be a permanent place of abode was not a statutory resident for New York State personal income tax purposes. Reversing a 2021 New York Tax Appeals Tribunal decision (DTA No. 827736), the Court reasoned that the couple at issue did not utilize the New York vacation home in a manner which demonstrated that they had a residential interest in the property as required by the New York Court of Appeals in *Matter of Gaied v New York State Tax Appeals Trib.*, 22 NY3d 592.

URL: <https://decisions.courts.state.ny.us/ad3/Decisions/2022/533310.pdf>

This Multistate Tax Alert summarizes this New York decision. Unless otherwise noted, quotations included in this Alert are from the Appellate Division decision.

[Issued August 2, 2022]

URL: <https://www2.deloitte.com/content/dam/Deloitte/us/Documents/Tax/us-tax-multistate-tax-alert-new-york-appellate-court-reverses-tax-appeals-tribunal-in-statutory-resident-case.pdf>

New York releases “final update” to draft corporate apportionment regulations – impact to investment managers

On July 1, 2022, the New York State Department of Taxation and Finance (Department) released a “final update” to its draft Article 9-A Business Corporation Franchise Tax Regulations (“Draft Regulations”) addressing apportionment as part of its comprehensive effort to update the regulations to reflect New York’s tax reform generally effective for tax years beginning in 2015. Among the many updates in the July 1, 2022 release, the Department made revisions to sourcing receipts from services provided to “passive investment customers,” which may have a significant impact on certain corporate investment managers.

URL: <https://www.tax.ny.gov/pdf/bus/ct/Apportionment-all-July-2022.pdf>

This Multistate Tax Alert summarizes the apportionment rules for sourcing receipts from services provided to passive investment customers in the Draft Regulations and provides some taxpayer considerations.

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URL: <https://www2.deloitte.com/content/dam/Deloitte/us/Documents/Tax/us-tax-multistate-tax-alert-new-york-releases-final-update-to-draft-corporate-apportionment-regulations-impact-to-investment-managers.pdf>

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