

## Income/Franchise:

### New York: MTA Surcharge Rate and Nexus Thresholds for Article 9-A Taxpayers to Remain the Same in 2023

*TSB-M-22(2)C*, N.Y. Dept. of Tax. & Fin. (12/1/22). Pursuant to the New York Commissioner of Taxation and Finance's authority to annually adjust the Metropolitan transportation business tax surcharge ("MTA surcharge") rate as necessary to ensure that the receipts attributable to the surcharge "will meet and not exceed the financial projections for the state fiscal year that commences in the year for which the rate is to be set," a recent technical memorandum issued by the New York Department of Taxation and Finance provides that the MTA surcharge rate for Article 9-A taxpayers is 30% (i.e., it will remain the same rate as applicable for tax years beginning on or after January 1, 2021) for tax years beginning on or after January 1, 2023, and before January 1, 2024. The memorandum also confirms that the thresholds at which a corporation is deemed to be deriving receipts from activity in New York State and in the Metropolitan Commuter Transportation District (MCTD) for purposes of imposing the Article 9-A franchise tax and MTA surcharge will remain at \$1,138,000 for tax years beginning on or after January 1, 2023, and before January 1, 2024. Additionally, the receipts thresholds to be used in determining if members of a unitary group that meet the ownership requirements under Tax Law section 210-C are deriving receipts from activity within New York State and in the MCTD generally will remain at \$11,000 and \$1,138,000. Please contact us with any questions.

**URL:** <https://www.tax.ny.gov/pdf/memos/corporation/m22-2c.pdf>

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