

EMPIRE STATE DEVELOPMENT FILM TAX CREDIT PROGRAM

APPLICATION PROCESS - Steps to the Credit

The process to apply for the Film Production and Post-Production Credit is the same, although there are different documents specific to each credit.

All application materials should be emailed to filmcredits@esd.ny.gov with the project title in the subject line of the email.

STEP 1 – Submit the **Initial Application** via email:

1. Project Summary – Initial (with projected cost information).
2. Budget Cost Qualifier (MS Excel Template) downloaded from website.
3. Budgets
 - a. Applicants for the Film Production Credit must submit a production budget (any qualified post expenditures are also eligible for credit in the Film Production Tax Credit program).
 - b. Applicants for the Post-Production Credit only- must submit a production budget top sheet and post-production budget.
4. FOIL Letter (recommended but not required).

The Program Office will notify you if your application is deemed complete. If your application is incomplete, you will be informed of the required documentation that must be submitted in order for the application to be deemed complete.

You may need to provide revisions to the Initial Application or submit other documents requested by the Program Office.

If your initial application is approved, you will be deemed eligible to submit a final application. If you require a Certificate of Conditional Eligibility, (e.g. for financial documentation), you may request it via email at filmcredits@esd.ny.gov (include mailing address).

STEP 2 – Applicant must **complete** the project through post production before submitting a final application.

STEP 3 – Submit the **Final Application** via email:

1. Project Summary – Final (with final cost information).
2. Updated Budget Cost Qualifier with final cost information (MS Excel Template) downloaded from website.
3. General Ledger (GL) - All GL reports must be emailed as PDF and in MS Excel format.

- a. For the Film Production Credit the GL in its entirety must be submitted along with separate reports for each Qualified Costs column indicated in the Budget Cost Qualifier.
 - b. For the Post-Production Credit, separate GL reports for qualified and non-qualified costs must be submitted.
4. Employment Report (MS Excel Template) downloaded from website.
 5. End Credit Requirements and Frame Grab (end credit verification of logo and acknowledgement) downloaded from website.

For applicants for the Film Production Credit, the following must also be submitted via email:

6. Daily Production Reports
7. Shoot Days Summary (MS Excel Template) downloaded from website
8. Cast & Crew list

STEP 4 – Review & Audit

The Program Office will notify you if your application is deemed complete and your application will be designated as ready for an audit. If your application is incomplete, you will be notified and informed of the required documentation that must be submitted in order for the application to be deemed complete and ready for audit. The Program Manager will notify you when the audit begins.

When the audit is complete, you will receive a Final Review Memo. You must respond to the questions and/or request for additional information or documentation as outlined in the memo.

STEP 5 – Issuing Credit

After the audit is completed, a Certificate of Tax Credit may be issued and sent to the Applicant listed on the Project Summary form. The tax credit certificate will list the completion date of the project and the allocation year. In order to receive the credit, you must submit the Certificate of Tax Credit along with the Applicant's NYS income tax return. The NYS return will either be a Corporate (Form CT-248) or Individual for S Corp/LLC members (Form IT-248) income tax return. Each member of an S Corp or LLC must file a return for their share of the credit.

The film tax credit may be claimed for the tax year in which the project was completed, or the year after the allocation year, whichever is later.

The tax credit will be issued from the NYS Department of Taxation and Finance, either as a credit towards your tax liability, or, if you have no liability, as a refund for the full dollar value of the credit. The refund is issued in one payment if less than \$1 million; 2 payments between \$1 and \$5 million; 3 payments if more than \$5 million. If applicable, a return must be filed over 2 or 3 successive years to receive 100 percent of the credit.