

2021 Instructions for Form 540NR California Nonresident or Part-Year Resident Income Tax Return

References in these instructions are to the Internal Revenue Code (IRC) as of **January 1, 2015**, and the California Revenue and Taxation Code (R&TC).

Before You Begin

Complete your federal income tax return (Form 1040, U.S. Individual Income Tax Return; Form 1040-SR, U.S. Tax Return for Seniors; or Form 1040-NR, U.S. Nonresident Alien Income Tax Return) before you begin your Form 540NR, California Nonresident or Part-Year Resident Income Tax Return. Use information from your federal income tax return to complete your Form 540NR. Complete and mail Form 540NR by April 18, 2022. If unable to mail your return by this date, see page 2.

To get forms and publications referred to in these instructions, go to ftb.ca.gov/forms or see "Where To Get Income Tax Forms and Publications."

 **Tip** You may qualify for the federal earned income tax credit. See page 2 for more information.

Note: The lines on Form 540NR are numbered with gaps in the line number sequence. For example, lines 20 through 30 do not appear on Form 540NR, so the line number that follows line 19 on Form 540NR is line 31.

Caution: Form 540NR has five sides. If filing Form 540NR, you must send all five sides to the Franchise Tax Board (FTB).

If you need to amend your Form 540NR, complete an amended Form 540NR and check the box at the top of Form 540NR indicating AMENDED return. Attach Schedule X, California Explanation of Amended Return Changes, to the amended Form 540NR. For specific instructions, see "Instructions for Filing a 2021 Amended Return" on page 26.

Filling in Your Return

- Use black or blue ink on the tax return you send to the FTB.
- Enter your Social Security Number(s) or Individual Taxpayer Identification Number(s) at the top of Form 540NR, Side 1.
- Print numbers and CAPITAL LETTERS in the space provided. Be sure to line up dollar amounts.
- If you do not have an entry for a line, leave it blank unless the instructions for a line specifically tell you to enter zero. **Do not** enter a dash or the word "NONE."

Name(s) and Address

Print your first name, middle initial, last name, and street address in the spaces provided at the top of Form 540NR.

Suffix

Use the Suffix field for generational name suffixes such as "SR", "JR", "III", "IV". Do not enter academic, professional, or honorary suffixes.

Additional Information

Use the Additional Information field for "In-Care-of" name and other supplemental address information only.

Foreign Address

If you have a foreign address, follow the country's practice for entering the city, county, province, state, country, and postal code, as applicable, in the appropriate boxes. **Do not** abbreviate the country name.

Principal Business Activity (PBA) Code

For federal Schedule C (Form 1040), Profit or Loss From Business (Sole Proprietorship) business filers, enter the numeric PBA code from federal Schedule C (Form 1040), line B.

Date of Birth (DOB)

Enter your DOBs (mm/dd/yyyy) in the spaces provided. If your filing status is married/RDP filing jointly or married/RDP filing separately, enter the DOBs in the same order as the names.

Prior Name

If you or your spouse/RDP filed your 2020 tax return under a different last name, write the last name **only** from the 2020 tax return.

Social Security Number (SSN) or Individual Taxpayer Identification Number (ITIN)

Enter your SSNs in the spaces provided. If you file a joint tax return, enter the SSNs in the same order as the names.

If you do not have an SSN because you are a nonresident or a resident alien for federal tax purposes, and the Internal Revenue Service (IRS) issued you an ITIN, enter the ITIN in the space provided for the SSN.

An ITIN is a tax processing number issued by the IRS to foreign nationals and others who have a federal tax filing requirement and do not qualify for an SSN. It is a nine-digit number that always starts with the number 9.

Filing Status

Line 1 through Line 5 – Filing Status

Check only one box for line 1 through line 5. Enter the required additional information if you checked the box on line 3 or line 5. For filing status requirements, see page 3.

Usually, your California filing status must be the same as the filing status you used on your federal income tax return.

Exception for Married Taxpayers Who File a Joint Federal Income Tax Return – You may file separate California returns if either spouse was either of the following:

- An active member of the United States Armed Forces or any auxiliary military branch during 2021.
- A nonresident for the entire year and had no income from California sources during 2021.

Caution – Community Property States: If either spouse earned California source income while domiciled in a community property state, the community income will be split equally between the spouses. Both spouses will have California source income and they will **not** qualify for the nonresident spouse exception. For more information, get FTB Pub. 1031, Guidelines for Determining Resident Status.

If you had no federal filing requirement, use the same filing status for California you would have used to file a federal income tax return.

Registered domestic partners (RDPs) who file single for federal **must file** married/RDP filing jointly or married/RDP filing separately for California. If you are an RDP and file head of household for federal purposes, you may file head of household for California purposes only if you meet the requirements to be considered unmarried or considered not in a domestic partnership.

Nonresident Alien – A joint tax return may be filed if, in the case of a nonresident alien married to a United States citizen or resident, both spouses/RDPs elect to treat the nonresident alien spouse/RDP as a resident for tax purposes.

If You Filed Federal Form 1040-NR, you do not qualify to use the head of household or married/RDP filing jointly filing statuses. Instead, use single, married/RDP filing separately, or qualifying widow(er) filing status, whichever applies to you.

If You File as Head of Household, do not claim yourself or a nonrelative as the qualifying individual for head of household. Get FTB Pub. 1540, Tax Information for Head of Household Filing Status, for more information. See "Where To Get Income Tax Forms and Publications."

Exemptions

Line 6 – Can be Claimed as a Dependent

Check the box on line 6 if someone else can claim you or your spouse/RDP as a dependent on their tax return, even if they chose not to.

Line 7 – Personal Exemptions

Did you check the box on line 6?

No Follow the instructions on Form 540NR, line 7.

Yes Ignore the instructions on Form 540NR, line 7. Instead, enter in the box on line 7 as shown below for your filing status:

- Single or married/RDP filing separately, enter -0-.
- Head of household, enter -0-.
- Married/RDP filing jointly and both you and your spouse/RDP can be claimed as dependents, enter -0-.
- Married/RDP filing jointly and only one spouse/RDP can be claimed as a dependent, enter 1.

Do not claim this credit if someone else can claim you as a dependent on their tax return.

Line 8 – Blind Exemptions

The first year you claim this exemption credit, attach a doctor's statement to the back of Form 540NR indicating you or your spouse/RDP are visually impaired. If you e-file, attach any requested forms, schedules and documents according to your software's instructions. Visually impaired means not capable of seeing better than 20/200 while wearing glasses or contact lenses, or if your field of vision is not more than 20 degrees.

Do not claim this credit if someone else can claim you as a dependent on their tax return.

Line 9 – Senior Exemptions

If you were 65 years of age or older by December 31, 2021*, you should claim an additional exemption credit on line 9. If you are married/or an RDP, each spouse/RDP 65 years of age or older should claim an additional credit. You may contribute all or part of this credit to the California Seniors Special Fund. See "Voluntary Contribution Fund Descriptions" for more information.

*If your 65th birthday is on January 1, 2022, you are considered to be age 65 on December 31, 2021.

Do not claim this credit if someone else can claim you as a dependent on their tax return.

Line 10 – Dependent Exemptions

To claim an exemption credit for each of your dependents, you must write each dependent's first and last name, SSN or ITIN and relationship to you in the space provided. If you are claiming more than three dependents, attach a statement with the required dependent information to your tax return. The persons you list as dependents must be the same persons you listed as dependents on your federal income tax return. If you filed form FTB 3568, Alternative Identifying Information for the Dependent Exemption Credit, to qualify to claim your dependents for California purposes, the dependents you claim on your California income tax return may not match those claimed on your federal income tax return. Count the number of dependents listed and enter the total in the box on line 10. Multiply the number you entered by the pre-printed dollar amount and enter the result.

For taxable years beginning on or after January 1, 2018, taxpayers claiming a dependent exemption credit for a dependent who is ineligible for an SSN and a federal ITIN may provide alternative information to the FTB to identify the dependent.

To claim the dependent exemption credit, taxpayers complete form FTB 3568, attach the form and required documentation to their tax return, and write "no id" in the SSN field of line 10, Dependents, on Form 540NR. For each dependent being claimed that does not have an SSN and an ITIN, a form FTB 3568 must be provided along with supporting documentation. If you e-file, attach any requested forms, schedules and documents according to your software's instructions.

Taxpayers may amend their tax returns beginning with taxable year 2018 to claim the dependent exemption credit. These taxpayers should complete an amended Form 540NR, write "no id" in the SSN field on the Dependents line, and attach Schedule X. To complete Schedule X, check box m for "Other" on Part II, line 1, and write the explanation

"Claim dependent exemption credit with no id and form FTB 3568 is attached" on Part II, line 2. Make sure to attach form FTB 3568 and the required supporting documents in addition to the amended tax return and Schedule X. If taxpayers do not claim the dependent exemption credit on their original 2021 tax return, they may amend their 2021 tax return following the same procedures used to amend their previous year amended tax returns beginning with taxable year 2018. For more information, get FTB Notice 2021-01.

If your dependent child was born and died in 2021 and you do not have an SSN or an ITIN for the child, write "Died" in the space provided for the SSN and include a copy of the child's birth certificate, death certificate, or hospital records. The document must show the child was born alive. If you e-file, attach any requested forms, schedules and documents according to your software's instructions.

Line 11 – Exemption Amount

Add line 7 through line 10 and enter the total dollar amount of all exemptions for personal, blind, senior, and dependent.

Total Taxable Income

Refer to your completed federal income tax return to complete this section.

Line 12 – California Wages

Enter the total amount of your California wages from your federal Form(s) W-2, Wage and Tax Statement. This amount appears on Form W-2, box 16.

Line 13 – Federal Adjusted Gross Income (AGI) from federal Form 1040, 1040-SR, or 1040-NR, line 11

RDPs who file a California tax return as married/RDP filing jointly and have no RDP adjustments between federal and California, combine their individual AGIs from their federal tax returns filed with the IRS. Enter the combined AGI on Form 540NR, line 13.

RDP adjustments include but are not limited to the following:

- Transfer of property between spouses/RDPs
- Capital loss
- Transactions between spouses/RDPs
- Sale of residence
- Dependent care assistance
- Investment interest
- Qualified residence interest acquisition loan & equity loan
- Expense depreciation property limits
- Individual Retirement Account
- Interest education loan
- Rental real estate passive loss
- Rollover of publicly traded securities gain into specialized small business investment companies

RDPs filing as married/RDP filing separately, former RDPs filing single, and RDPs with RDP adjustments will use the California RDP Adjustments Worksheet in FTB Pub. 737, Tax Information for Registered Domestic Partners, or complete a federal pro forma Form 1040 or 1040-SR. Transfer the amount from the California RDP Adjustments Worksheet, line 27, column D, or federal pro forma Form 1040 or 1040-SR, line 11, to Form 540NR, line 13.

Line 14 – California Adjustments — Subtractions (from Schedule CA (540NR), Part II, line 27, column B)

If there are differences between your federal and California income, i.e. social security, complete Schedule CA (540NR). Follow the instructions for Schedule CA (540NR). Enter the amount from Schedule CA (540NR), Part II, line 27, column B on Form 540NR, line 14.

If the amount on Schedule CA (540NR), Part II, line 27, column B is a negative number, do not transfer it to Form 540NR, line 14 as a negative number. Instead, transfer the number as a positive number to Form 540NR, line 16.

Line 15 – Subtotal

Subtract the amount on line 14 from the amount on line 13. Enter the result on line 15. If the amount on line 13 is less than zero, combine the amounts on line 13 and line 14 and enter the amount in parentheses. For example: “(12,325).”

Line 16 – California Adjustments — Additions (from Schedule CA (540NR), Part II, line 27, column C)

If there are differences between your federal and California deductions, complete Schedule CA (540NR). Follow the instructions for Schedule CA (540NR). Enter the amount from Schedule CA (540NR), Part II, line 27, column C on Form 540NR, line 16.

If the amount on Schedule CA (540NR), Part II, line 27, column C is a negative number, do not transfer it to Form 540NR, line 16 as a negative number. Instead, transfer the number as a positive number to Form 540NR, line 14.

Line 17 – Adjusted Gross Income From All Sources

Combine line 15 and line 16. This amount should match the amount on Schedule CA (540NR), Part II, line 27, column D.

Line 18 – California Itemized Deductions or California Standard Deduction

Decide whether to itemize your deductions, such as charitable contributions, medical expenses, etc., or take the standard deduction. Your California income tax will be less if you take the **larger** of your California:

- Itemized deductions (total itemized deductions allowed under California law).
- Standard deduction.

On federal tax returns, individual taxpayers who claim the standard deduction are allowed an additional deduction for net disaster losses. For California, deductions for disaster losses are only allowed for those individual taxpayers who itemized their deductions.

If married/or an RDP and filing separate Form 540NR, you and your spouse/RDP must either both itemize your deductions (even if the itemized deductions of one spouse/RDP are less than the standard deduction) or both take the standard deduction.

Also, if someone else can claim you as a dependent, you may claim the greater of the standard deduction or your itemized deductions. To figure your standard deduction, see the California Standard Deduction Worksheet for Dependents.

Itemized Deductions – Figure your California itemized deductions by completing Schedule CA (540NR), Part III, lines 1 through 30. Enter the result on Form 540NR, line 18.

If you did not itemize deductions on your federal income tax return but will itemize deductions for your Form 540NR, first complete federal Schedule A (Form 1040), Itemized Deductions. Then check the box on Side 4, Part III of the Schedule CA (540NR), and complete Part III. Attach both the federal Schedule A (Form 1040) and California Schedule CA (540NR) to the back of your tax return.

Standard Deduction – Find your standard deduction on the California Standard Deduction Chart for Most People. If you checked the box on Form 540NR, line 6, use the California Standard Deduction Worksheet for Dependents, instead.

California Standard Deduction Chart for Most People

Do not use this chart if your parent, or someone else, can claim you (or your spouse/RDP) as a dependent on their tax return.

Your Filing Status	Enter On Line 18
1 – Single	\$4,803
2 – Married/RDP filing jointly	\$9,606
3 – Married/RDP filing separately	\$4,803
4 – Head of household	\$9,606
5 – Qualifying widow(er)	\$9,606

The California standard deduction amounts are less than the federal standard deduction amounts.

California Standard Deduction Worksheet for Dependents

Use this worksheet only if your parent, or someone else, can claim you (or your spouse/RDP) as a dependent on their tax return. **Use whole dollars only.**

1. Enter your earned income from: line 2 of the “Standard Deduction Worksheet for Dependents” in the instructions for federal Form 1040 or 1040-SR 1 _____
2. Minimum standard deduction 2 **\$1,100.00**
3. Enter the **larger** of line 1 or line 2 here 3 _____
4. Enter the amount shown for your filing status:
 - Single or married/RDP filing separately, enter \$4,803 } 4 _____
 - Married/RDP filing jointly, head of household, or qualifying widow(er), enter \$9,606 }
5. **Standard deduction.** Enter the **smaller** of line 3 or line 4 here and on the Form 540NR, line 18 5 _____

Line 19 – Taxable Income

Capital Construction Fund (CCF) – If you claim a deduction on your federal Form 1040 or 1040-SR, line 15 for a contribution made to a CCF set up under the Merchant Marine Act of 1936, reduce the amount you would otherwise enter on line 19 by the amount of the deduction. Next to line 19, enter “CCF” and the amount of the deduction. For more information, get federal Publication 595, Capital Construction Fund for Commercial Fishermen.

California Taxable Income

When you figure your tax, use the correct filing status and taxable income amount.

Line 31 – Tax

Tip e-file and you won’t have to do the math. Go to ftb.ca.gov and search for **efile**.

To figure your tax on the amount on line 19, use one of the following methods and check the matching box on line 31:

- **Tax Table** – If your taxable income on line 19 is \$100,000 or less, use the tax table beginning on page 87. Use the correct filing status column in the tax table.
- **Tax Rate Schedules** – If your taxable income on line 19 is over \$100,000, use the tax rate schedule for your filing status on page 92.
- **FTB 3800** – Generally, you use form FTB 3800, Tax Computation for Certain Children with Unearned Income, to figure the tax on a separate Form 540NR for your child who was age 18 and under or a student under age 24 on January 1, 2022, and who had more than \$2,200 of investment income. Attach form FTB 3800 to the child’s Form 540NR.
- **FTB 3803** – If, as a parent, you elect to report your child’s interest and dividend income of \$11,000 or less (but not less than \$1,100) on your return, complete form FTB 3803, Parents’ Election to Report Child’s Interest and Dividends. File a separate form FTB 3803 for each child whose income you elect to include on your Form 540NR. Add the amount of tax, if any, from each form FTB 3803, line 9, to the amount of your tax from the tax table or tax rate schedules and enter the result on Form 540NR, line 31. Attach form(s) FTB 3803 to your return.

To prevent possible delays in processing your tax return or refund, enter the correct tax amount on this line. To automatically figure your tax or to verify your tax calculation, use our online tax calculator. Go to ftb.ca.gov/tax-rates.

Line 32 – CA Adjusted Gross Income

Complete Schedule CA (540NR), Part IV, line 1 to determine your California adjusted gross income. Follow the instructions for

Schedule CA (540NR). Enter on Form 540NR, line 32 the amount from Schedule CA (540NR), Part IV, line 1.

Line 36 – CA Tax Rate

In this computation, the FTB rounds the tax rate to four digits after the decimal. If your computation is different, you may receive a notice due to the difference in rounding. Contact us at 800.852.5711 if you disagree with this notice.

Line 38 – CA Exemption Credit Percentage

Divide the California Taxable Income (line 35) by Total Taxable Income (line 19). This percentage does not apply to the Nonrefundable Renter’s Credit, Nonrefundable Child and Dependent Care Expenses Credit, Other State Tax Credit, or credits that are conditional upon a transaction occurring wholly within California. **If more than 1, enter 1.0000.**

Line 39 – CA Prorated Exemption Credits

Use your exemption credits to reduce your tax. If your federal AGI on line 13 is more than the amount listed below for your filing status, your credits will be limited.

If your filing status is:	Is Form 540NR, line 13 more than:
Single or married/RDP filing separately	\$212,288
Married/RDP filing jointly or qualifying widow(er)	\$424,581
Head of household	\$318,437

Yes Complete the AGI Limitation Worksheet below.
No Multiply line 11 by line 38.

AGI Limitation Worksheet	
Use whole dollars only	
a Enter the amount from Form 540NR, line 13	a _____
b Enter the amount for your filing status on line b: • Single or married/RDP filing separately \$212,288 • Married/RDP filing jointly or qualifying widow(er) \$424,581 • Head of household \$318,437	b _____
c Subtract line b from line a	c _____
d Divide line c by \$2,500 (\$1,250 if married/RDP filing separately). If the result is not a whole number, round it to the next higher whole number	d _____
e Multiply line d by \$6	e _____
f Add the numbers from the boxes on Form 540NR, line 7, line 8, and line 9 (not the dollar amounts)	f _____
g Multiply line e by line f	g _____
h Add the total dollar amounts from Form 540NR, line 7, line 8, and line 9	h _____
i Subtract line g from line h. If zero or less enter -0-	i _____
j Enter the number from the box on Form 540NR, line 10 (not the dollar amount)	j _____
k Multiply line e by line j	k _____
l Enter the dollar amount from Form 540NR, line 10	l _____
m Subtract line k from line l. If zero or less, enter -0-	m _____
n Add line i and line m. Enter the result here	n _____
o Multiply the amount on line n by the CA Exemption Credit Percentage on Form 540NR, line 38. Enter the result here and on Form 540NR, line 39	o _____

Line 41 – Tax from Schedule G-1 and Form FTB 5870A

If you received a qualified lump-sum distribution in 2021 and you were born before January 2, 1936, get California Schedule G-1, Tax on Lump-Sum Distributions, to figure your tax by special methods that may result in less tax. Attach Schedule G-1 to your tax return.

If you received accumulation distributions from foreign trusts or from certain domestic trusts, get form FTB 5870A, Tax on Accumulation Distribution of Trusts, to figure the additional tax. Attach form FTB 5870A to your tax return.

To get these forms, see “Order Forms and Publications.”

Special Credits and Nonrefundable Credits

A variety of California tax credits are available to reduce your tax if you qualify. To figure and claim most special credits, you must complete a separate form or schedule and attach it to your Form 540NR. The Credit Chart on page 23 describes the credits and provides the name, credit code, and number of the required form or schedule. Many credits are limited to a certain percentage or a certain dollar amount. In addition, the total amount you may claim for all credits is limited by tentative minimum tax (TMT); go to Box A to see if your credits are limited.

If you are not claiming any other special credits go to line 50 and line 61 to see if you qualify for the Nonrefundable Child and Dependent Care Expenses Credit or the Nonrefundable Renter’s Credit.

<p>Box A – Did you complete federal Schedule C, D, E, or F and claim or receive any of the following (Note: If your business gross receipts are less than \$1,000,000 from all trades or businesses, you do not have to report alternative minimum tax (AMT). For more information, see line 71 instructions.):</p> <ul style="list-style-type: none"> • Accelerated depreciation in excess of straight-line • Intangible drilling costs • Depletion • Circulation expenditures • Research and experimental expenditures • Mining exploration/development costs • Amortization of pollution control facilities • Income/loss from tax shelter farm activities • Income/loss from passive activities • Income from long-term contracts using the percentage of completion method • Pass-through AMT adjustment from an estate or trust reported on Schedule K-1 (541) <p>Yes Get and complete Schedule P (540NR). See “Order Forms and Publications.” No Go to Box B.</p>

<p>Box B – Did you claim or receive any of the following:</p> <ul style="list-style-type: none"> • Investment interest expense • Income from incentive stock options in excess of the amount reported on your return • Income from installment sales of certain property <p>Yes Get and complete Schedule P (540NR). See “Order Forms and Publications.” No Go to Box C.</p>

<p>Box C – If your filing status is:</p> <p>Single or head of household \$292,763 Married/RDP filing jointly or qualifying widow(er) \$390,351 Married/RDP filing separately \$195,172</p> <p>Yes Get and complete Schedule P (540NR). See “Order Forms and Publications.” No Your credits are not limited.</p>	<p>Is Form 540NR, line 17 more than:</p>
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Line 50 – Nonrefundable Child and Dependent Care Expenses Credit — Code 232

Claim this credit if you paid someone to care for your qualifying child under the age of 13, other dependent who is physically or mentally incapable of caring for him or herself, or spouse/RDP if physically or mentally incapable of caring for him or herself. To claim this credit, your federal AGI must be \$100,000 or less. Complete and attach form

FTB 3506, Child and Dependent Care Expenses Credit. See “Where To Get Income Tax Forms and Publications.”

The care must have been provided in California. You must have California-sourced income (wages earned working in California or self-employment income from California business activities).

A servicemember’s active duty military pay is considered earned income, regardless of whether the servicemember is domiciled in California. Get FTB Pub. 1032, Tax Information for Military Personnel, for more information.

Schedule P (540NR) – If you need to complete Schedule P (540NR) and you claim any of the credits on line 51 through line 53, do not enter an amount on line 51 through line 53. Instead, enter the total amount of these credits from Schedule P (540NR), Part III, Section B1, line 12 through line 14, on Form 540NR, line 55. Do not follow the instructions for line 55. Write “Schedule P (540NR)” to the left of the amount entered on line 55.

Line 51 – Credit for Joint Custody Head of Household — Code 170

You may **not** claim this credit if you used the head of household, married/RDP filing jointly, or the qualifying widow(er) filing status.

Claim the credit if unmarried and not an RDP at the end of 2021 (or if married/or an RDP, you lived apart from your spouse/RDP for all of 2021 and you used the married/RDP filing separately filing status); and if you furnished more than one-half the household expenses for your home that also served as the main home of your child, step-child, or grandchild for at least 146 days but not more than 219 days of your taxable year. If the child is married/or an RDP, you must be entitled to claim a dependent exemption for the child.

Also, the custody arrangement for the child must be part of a decree of dissolution or legal separation or part of a written agreement between the parents where the proceedings have been initiated, but a decree of dissolution or legal separation has not yet been issued.

If your Federal AGI is more than \$212,288, subtract line n from the AGI Limitation Worksheet on page 12 from line 31 of the Form 540NR and enter this amount on line 1 of the worksheet below to calculate your credit.

Use the worksheet below to figure this credit **using whole dollars only**:

1. Subtract line 11 from line 31 on Form 540NR and enter the result here	1	_____
2. Enter the amount from Form 540NR, line 41	2	_____
3. Add line 1 and line 2	3	_____
4. Credit percentage — 30%	4	_____ 30
5. Credit amount. Multiply line 3 by line 4. Enter on this line the result or \$513, whichever is less. Enter this amount on Form 540NR, line 51	5	_____

If you qualify for both the Credit for Joint Custody Head of Household and the Credit for Dependent Parent, you are only allowed to claim one or the other, not both. Select the credit that will allow the maximum benefit.

Line 52 – Credit for Dependent Parent — Code 173

You may **not** claim this credit if you used the single, head of household, qualifying widow(er), or married/RDP filing jointly filing status.

Claim this credit only if all of the following apply:

- You were married/or an RDP at the end of 2021 and you used the married/RDP filing separately filing status.
- Your spouse/RDP was not a member of your household during the last six months of the year.
- You furnished over one-half the household expenses for your dependent mother’s or father’s home, whether or not she or he lived in your home.

To figure the amount of this credit, use the worksheet for the Credit for Joint Custody Head of Household, on this page.

On the last line of the worksheet, enter the result or \$513, whichever is less. Enter this amount on Form 540NR, line 52.

If you qualify for both the Credit for Joint Custody Head of Household and the Credit for Dependent Parent, you are only allowed to claim one or the other, not both. Select the credit that will allow the maximum benefit.

Line 53 – Credit for Senior Head of Household — Code 163

Claim this credit if you:

- Were 65 years of age or older on December 31, 2021*,
- Qualified as a head of household in 2019 or 2020 by providing a household for a qualifying individual who died during 2019 or 2020.
- Did not have adjusted gross income over \$83,039 for 2021.

*If your 65th birthday is on January 1, 2022, you are considered to be age 65 on December 31, 2021.

If you meet all the conditions listed, you do not need to qualify to use the head of household filing status for 2021 in order to claim this credit.

Use the worksheet below to figure this credit **using whole dollars only**:

1. Enter the amount from Form 540NR, line 19	1	_____
2. Credit percentage — 2%	2	_____ .02
3. Credit amount. Multiply line 1 by line 2. Enter on this line the result or \$1,565, whichever is less. Enter this amount on Form 540NR, line 53	3	_____

Line 54 and Line 55 – Credit Percentage and Credit Amount

If you claimed credits on line 51, line 52, or line 53, complete the worksheet below to compute your credit percentage and the allowable prorated credit to enter on line 55 **using whole dollars only**. If you completed Schedule P (540NR), see the instructions above the line 51 instructions.

Part I – Credit Percentage	
1. Enter the percentage amount from line 38 here and on Form 540NR, line 54. If more than 1, enter 1.0000	1 _____
Part II – Credit Amount	
Credit for Joint Custody Head of Household	
1. Enter the amount from Form 540NR, line 51	1 _____
2. Credit Percentage from Part I, line 1	2 _____
3. Multiply line 1 by line 2	3 _____
4. Enter the lesser of the amount from line 3 or \$513	4 _____
Credit for Dependent Parent	
5. Enter the amount from Form 540NR, line 52	5 _____
6. Credit Percentage from Part I, line 1	6 _____
7. Multiply line 5 by line 6	7 _____
8. Enter the lesser of the amount on line 7 or \$513	8 _____
Credit for Senior Head of Household	
9. Enter the amount from Form 540NR, line 53	9 _____
10. Credit Percentage from Part I, line 1	10 _____
11. Multiply line 9 by line 10	11 _____
12. Enter the lesser of the amount on line 11 or \$1,565	12 _____
Total Prorated Credits	
13. Add line 4, line 8, and line 12. Enter the result here and on Form 540NR, line 55	13 _____

Line 58 through Line 60 – Additional Special Credits

A code identifies each credit. To claim only one or two credits, enter the credit name, code, and amount of the credit on line 58 and line 59.

To claim more than two credits, use Schedule P (540NR), Part III. Get Schedule P (540NR) instructions, “How to Claim Your Credits.”

Important: Attach Schedule P (540NR) and any required supporting schedules or statements to your Form 540NR.

Carryovers: If you claim a credit with carryover provisions and the amount of the credit available this year exceeds your tax, carry over any excess credit to future years until the credit is used (unless the carryover

period is a fixed number of years). If you claim a credit carryover for an expired credit, use form FTB 3540, Credit Carryover and Recapture Summary, to figure the amount of the credit.

Credit for Child Adoption Costs — Code 197

For the year in which an adoption decree or an order of adoption is entered (e.g. adoption is final), claim a credit for 50% of the cost of adopting a child who was **both**:

- A citizen or legal resident of the United States
- In the **custody** of a California public agency or a California political subdivision

Treat a prior unsuccessful attempt to adopt a child (even when the costs were incurred in a prior year) and a later successful adoption of a different child as one effort when computing the cost of adopting the child. Include the following costs if directly related to the adoption process:

- Fees for Department of Social Services or a licensed adoption agency
- Medical expenses not reimbursed by insurance
- Travel expenses for the adoptive family

Note:

- This credit does not apply when a child is adopted from another country or another state, or who was not in the custody of a California public agency or a California political subdivision.
- Any deduction for the expenses used to claim this credit must be reduced by the amount of the child adoption costs credit claimed.

Use the following worksheet to figure this credit **using whole dollars only**. If more than one adoption qualifies for this credit, complete a separate worksheet for each adoption. The maximum credit is limited to \$2,500 per minor child.

1. Enter qualifying costs for the child	1	_____
2. Credit percentage — 50%	2	_____ .50
3. Credit amount. Multiply line 1 by line 2. Do not enter more than \$2,500	3	_____

Your allowable credit is limited to \$2,500 for 2021. You may carryover the excess credit to future years until the credit is used.

Line 61 – Nonrefundable Renter’s Credit

If you paid rent for at least six months in 2021 on your principal residence located in California you may qualify to claim the nonrefundable renter’s credit which may reduce your tax. Complete the qualification record on page 21.

Line 63

Subtract the amount on line 62 from the amount on line 42. Enter the result on line 63. If the amount on line 62 is more than the amount on line 42, enter -0-.

Other Taxes

Attach the specific form or statement required for each item below.

Line 71 – Alternative Minimum Tax (AMT)

If you claim certain types of deductions, exclusions, and credits, you may owe AMT if your total income is more than:

- \$104,094 married/RDP filing jointly or qualifying widow(er)
- \$78,070 single or head of household
- \$52,044 married/RDP filing separately

A child under age 19 or a student under age 24 may owe AMT if the sum of the amount on line 19 (taxable income) and any preference items listed on Schedule P (540NR) and included on the return is more than the sum of \$7,850 and the child’s earned income.

AMT income does not include income, adjustments, and items of tax preference related to any trade or business of a qualified taxpayer who has gross receipts, less returns and allowances, during the taxable year of less than \$1,000,000 from **all** trades or businesses.

Get Schedule P (540NR) for more information. See “Where To Get Income Tax Forms and Publications.”

Line 72 – Mental Health Services Tax

If your taxable income or nonresident CA source taxable income is more than \$1,000,000, compute the Mental Health Services tax **using whole dollars only**:

1. CA Taxable income from Form 540NR, line 35	1	_____
2. Less	2	_____ \$(1,000,000)
3. Subtotal	3	_____
4. Tax rate – 1%	4	_____ .01
5. Mental Health Services Tax – Multiply line 3 by line 4. Enter this amount here and on Form 540NR, line 72	5	_____

Line 73 – Other Taxes and Credit Recapture

If you received an early distribution of a qualified retirement plan and were required to report additional tax on your federal tax return, you may also be required to report additional tax on your California tax return. Get form FTB 3805P, Additional Taxes on Qualified Plans (Including IRAs) and Other Tax-Favored Accounts. If required to report additional tax, report it on line 73 and write “FTB 3805P” to the left of the amount.

In general, California conforms to federal law for income received under IRC Section 409A on a nonqualified deferred compensation (NQDC) plan and discounted stock options and stock appreciation rights. Income received under IRC Section 409A is subject to an additional 5% tax plus interest. Include the additional tax, if any, on line 73. Write “NQDC” on the dotted line to the left of the amount.

If you owe interest on deferred tax from installment obligations, include the additional tax, if any, in the amount you enter on line 73. Write “IRC Section 453A interest” and the amount on the dotted line to the left of the amount on line 73.

If you used form(s):

- FTB 3531, California Competes Tax Credit – Enter only the recaptured amount used. Get the instructions for form FTB 3531, Part III, Credit Recapture, for more information.
- FTB 3540, Credit Carryover and Recapture Summary
- FTB 3554, New Employment Credit

Include the additional tax for credit recapture, if any, on line 73. Write the form number on the dotted line to the left of the amount on line 73.

Line 74 – Excess Advance Premium Assistance Subsidy (APAS) Repayment

Enter your excess APAS repayment amount from form FTB 3849, line 29.

You may have to repay excess APAS even if someone else enrolled you, your spouse, or your dependent in coverage purchased through Covered California (Marketplace). In that case, another individual may have received form FTB 3895 for the coverage.

You also may have to repay excess APAS if you enrolled an individual in coverage through the Marketplace, you don’t claim the individual as a dependent on your return, and no one else claims that individual as a dependent. For more information, get the instructions for form FTB 3849 and FTB Pub 3849A.

Payments

Before you begin this section, have the following federal Form(s) available:

- W-2, Wage and Tax Statement
- W-2G, Certain Gambling Winnings
- 1099-DIV, Dividends and Distributions
- 1099-INT, Interest Income
- 1099-MISC, Miscellaneous Income
- 1099-NEC, Nonemployee Compensation

- 1099-OID, Original Issue Discount
- 1099-R, Distributions from Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.

Also, have your California Form(s) 592-B, Resident and Nonresident Withholding Tax Statement, and 593, Real Estate Withholding Statement, available.

If you received wages and do not have a federal Form W-2, see page 24, Frequently Asked Questions, Question 2.

Line 81 – California Income Tax Withheld

Enter the total California income tax withheld from your federal Form(s):

- W-2, box 17
- W-2G, box 15
- 1099-DIV, box 15
- 1099-INT, box 17
- 1099-MISC, box 15
- 1099-NEC, box 5
- 1099-OID, box 14
- 1099-R, box 14

Do not include city, local, or county tax withheld, tax withheld by other states, or nonconsenting nonresident (NCNR) member's tax from Schedule K-1 (568), line 15e. Do not include nonresident or real estate withholding from Form(s) 592-B or 593, on this line as withholding. For more information, see instructions for line 83. If you had California tax withheld and did not receive Form(s) W-2 or 1099, contact the entity that paid the income.

If you received Form(s) 1099-DIV, 1099-INT, 1099-MISC, 1099-NEC, 1099-OID, or 1099-R showing California income tax withheld, include in the total on line 81 the amount(s) withheld and attach a copy of the Form(s) 1099 to the lower front of your tax return.

Generally, tax should not be withheld on federal Form 1099-MISC or Form 1099-NEC. If you want to pre-pay tax on income reported on federal Form 1099-MISC or Form 1099-NEC, use Form 540-ES, Estimated Tax for Individuals.

Line 82 – 2021 CA Estimated Tax and Other Payments

Enter the total of any:

- California estimated tax payments you made using 2021 Form 540-ES, electronic funds withdrawal, Web Pay, or credit card.
- Overpayment from your 2020 California income tax return that you applied to your 2021 estimated tax.
- Payment you sent with form FTB 3519, Payment for Automatic Extension for Individuals.
- California estimated tax payments made on your behalf by an estate or trust on Schedule K-1 (541) or an S corporation on Schedule K-1(100S).

If you are including NCNR tax, write "LLC" on the dotted line to the left of the amount on line 82, and attach Schedule K-1 (568) with the amount of the NCNR tax claimed. The LLC's return must be filed before an individual member's account can be credited. If you e-file, attach any requested forms, schedules and documents according to your software's instructions.

If you and your spouse/RDP paid joint estimated taxes but are now filing separate income tax returns, either of you may claim the entire amount paid, or each may claim part of the joint estimated tax payments. If you want the estimated tax payments to be divided, notify the FTB before you file the tax returns so the payments can be applied to the proper account. The FTB will accept in writing, any divorce agreement (or court-ordered settlement) or a statement showing the allocation of the payments along with a notarized signature of both taxpayers.

Send statements to:

JOINT ESTIMATE CREDIT ALLOCATION MS F283
TAXPAYER SERVICES CENTER
FRANCHISE TAX BOARD
PO BOX 942840
SACRAMENTO CA 94240-0040

To view payments made or get your current account balance, go to **ftb.ca.gov** and login or register for MyFTB.

If you or your spouse/RDP made separate estimated tax payments, but are now filing a joint income tax return, add the amounts you each paid. Attach a statement to the front of your Form 540NR explaining that payments were made under both SSNs. If you e-file, attach any requested forms, schedules and documents according to your software's instructions.

You do not have to make estimated tax payments if you are a nonresident or new resident of California in 2022 and did not have a California tax liability in 2021.

Line 83 – Withholding (Form 592-B and/or 593)

If you were a nonresident who received California source income or sold California real estate, enter the total California tax withheld from your Form(s) 592-B and 593. Attach a copy of Form(s) 592-B and 593 to the lower front of Form 540NR, Side 1.

If your filing status changed after escrow closed and before filing your California tax return, please contact us at 888.792.4900, prior to filing your California tax return, for instructions on how to claim your withholding credit.

Do not include withholding from other forms on this line. Do not include NCNR member's tax from Schedule K-1 (568), line 15e as withholding; see instructions for line 82.

Line 84 – Excess California SDI (or VPMI) Withheld

You may be entitled to claim a credit for excess State Disability Insurance (SDI) or Voluntary Plan Disability Insurance (VPDI) if you meet **all** of the following conditions:

- You had **two or more** California employers during 2021.
- You received more than \$128,298 in gross wages from California sources.
- The amounts of SDI (or VPDI) withheld appear on your federal Form(s) W-2. Be sure to attach your Form(s) W-2 to your Form 540NR.

If SDI (or VPDI) was withheld from your wages by a single employer, at a rate of more than 1.20% of your gross wages, you may not claim excess SDI (or VPDI) on your Form 540NR. Contact the employer for a refund.

To determine the amount to enter on line 84, complete the Excess SDI (or VPDI) Worksheet below. If married/RDP filing jointly, figure the amount of excess SDI (or VPDI) separately for each spouse/RDP.

Excess SDI (or VPDI) Worksheet		
Use whole dollars only.		
	You	Your Spouse/RDP
1. Add amounts of SDI (or VPDI) withheld shown on your federal Forms W-2. Enter the total here		
2. 2021 SDI (or VPDI) limit.	\$1,539.58	\$1,539.58
3. Excess SDI (or VPDI) withheld. Subtract line 2 from line 1. Enter the results here. Combine the amounts on line 3 and enter the total, in whole dollars only , on line 84.		
If zero or less, enter -0- on line 84.		

Line 85 – Earned Income Tax Credit (EITC)

Enter your Earned Income Tax Credit from form FTB 3514, California Earned Income Tax Credit, line 22.

Line 86 – Young Child Tax Credit (YCTC)

Enter your Young Child Tax Credit from form FTB 3514, line 30.

Line 87 – Net Premium Assistance Subsidy (PAS)

Enter your net PAS amount from form FTB 3849, line 26.

Line 88

For the Claim of Right credit, follow the reporting instructions in Schedule CA (540NR), Part III, line 16 under the Claim of Right.

Claim of Right: If you are claiming the tax credit on your California tax return, include the amount of the credit in the total for this line. Write in “IRC 1341” and the amount of the credit to the left of the amount column.

To determine if you are entitled to this credit, refer to your prior year California Form 540NR or Schedule CA (540NR), column E, to verify the amount was included in your CA taxable income. If the amount repaid under a “Claim of Right” was not originally taxed by California, you are not entitled to claim the credit.

ISR Penalty

Line 91 – Individual Shared Responsibility (ISR) Penalty

Check the box on Form 540NR, line 91, if you, your spouse/RDP (if filing a joint return), and anyone you can or do claim as a dependent had minimum essential coverage (also referred to as qualifying health care coverage) that covered all of 2021. Medicare Part A or C qualifies as minimum essential coverage. If you check the box on Form 540NR, line 91, you do not owe the individual shared responsibility penalty and do not need to file form FTB 3853. For more information, get form FTB 3853.

If you and your household did not have full-year health care coverage, then go to form FTB 3853 to determine if you have an individual shared responsibility penalty. Enter your individual shared responsibility penalty from form FTB 3853, Part IV, line 1.

Overpaid Tax or Tax Due

To avoid a delay in the processing of your tax return, enter the correct amounts on line 101 through line 104.

Line 101 – Overpaid Tax

If the amount on line 92 is more than the amount on line 75, subtract the amount on line 75 from the amount on line 92. Enter the result on line 101. Your payments and credits are more than your tax.

Refund Intercept – The FTB administers the Interagency Intercept Collection (IIC) program on behalf of the State Controller’s Office. The IIC program intercepts (offsets) refunds when individuals and business entities owe delinquent debts to government agencies including the IRS and California colleges. All refunds are subject to interception. The FTB only intercepts the amount owed.

Refunds from joint tax returns may be applied to the debts of the taxpayer or spouse/RDP. After all tax liabilities are paid, any remaining credit will be applied to requested voluntary contributions, if any, and the remainder will be refunded.

If the debt was previously paid to the requestor and the FTB also intercepted the refund, any overpayment will be refunded by the agency that received the funds.

For more information, go to ftb.ca.gov and search for **interagency intercept collection**.

Line 102 – Amount You Want Applied to Your 2022 Estimated Tax

Apply all or part of the amount on line 101 to your estimated tax for 2022. Enter on line 102 the amount of line 101 you want applied to 2022.

An election to apply an overpayment against estimated tax is binding. Once the election is made, the overpayment cannot be applied to a deficiency after the due date of the tax return.

Line 103 – Overpaid Tax Available This Year

If you entered an amount on line 102, subtract it from the amount on line 101. Enter the result on line 103. You may have this entire amount refunded to you or make contributions to the California Seniors Special

Fund or make other voluntary contributions from this amount. If you make a contribution, skip line 104 and go to the instructions for contributions.

Line 104 – Tax Due

If the amount on line 92 is less than the amount on line 75, subtract the amount on line 92 from the amount on line 75. Enter the result on line 104. Your tax is more than your payments and credits.

There is a penalty for not paying enough tax during the year. You may have to pay a penalty if:

- The tax due on line 104 is \$500 or more (\$250 or more if married/RDP filing separately).
- The amount of state income tax withheld on line 81 is less than 90% of the amount of your total tax on line 75.

If you owe a penalty, the FTB will figure the penalty and send you a bill.

Contributions

You can make voluntary contributions to the funds listed on Side 4. See “Voluntary Contributions Fund Descriptions” for more information.

You may also contribute any amount to the **State Parks Protection Fund/Parks Pass Purchase**. To receive a single annual park pass, your contribution must equal or exceed \$195. When applicable, the FTB will forward your name and address from your tax return to the Department of Parks and Recreation (DPR) who will issue a single Vehicle Day Use Annual Pass to you. Only one pass will be provided per tax return. You may contact DPR directly to purchase additional passes. If there is an error on your tax return in the computation of total contributions or if we disallow the contribution you requested because there is no credit available for the tax year, your name and address will **not** be forwarded to DPR. Any contribution less than \$195 will be treated as a voluntary contribution and may be deducted as a charitable contribution. For more information, go to parks.ca.gov/annualpass/ or email info@parks.ca.gov.

Code 400 – Contribution to California Seniors Special Fund

If you and/or your spouse/RDP are 65 years of age or older and claim the Senior Exemption Credit on line 9, you may make a combined total contribution of up to \$258 or \$129 per spouse/RDP. Contributions entered on code 400 will be distributed to The Area Agency on Aging Council of California (TACC) to provide advice on and sponsorship of Senior Citizen issues. Any excess contributions not required by TACC will be distributed to senior citizen service organizations throughout California for meals, adult day care, and transportation.

Use the worksheet below to figure your contribution:

1. If you contribute, enter \$129; if you and your spouse/RDP contribute, enter \$258. 1	_____
2. Enter the ratio from Form 540NR, line 38 2	_____
3. Contribution amount. Multiply line 1 by line 2. Enter the result (rounded to the nearest whole dollar) here 3	_____

You may contribute any amount up to the amount on line 3. Enter your contribution on the line for code 400.

Line 120 – Total Contributions

Add code 400 through code 446. Enter the result on line 120.

Amount You Owe

Add or subtract correctly to figure the amount you owe.

Line 121 – Amount You Owe

If you did not enter an amount on line 120, enter the amount from line 104 on line 121. This is the amount you owe with your Form 540NR.

If you entered an amount on line 120, add that amount to the amount on line 104. Enter the result on line 121. This is the amount you owe with your Form 540NR.

If you have an amount on line 103 and line 120, subtract line 120 from line 103. If line 120 is more than line 103 enter the difference on line 121.

To avoid a late filing penalty, file your Form 540NR by the extended due date even if unable to pay the amount you owe.

Mandatory Electronic Payments – You are required to remit all your payments electronically once you make an estimate or extension payment exceeding \$20,000 or you file an original return with a total tax liability over \$80,000. Once you meet this threshold, all subsequent payments regardless of amount, tax type, or taxable year must be remitted electronically. The first payment that would trigger the mandatory e-pay requirement does not have to be made electronically. Individuals that do not send the payment electronically will be subject to a 1% noncompliance penalty.

You can request a waiver from mandatory e-pay if one or more of the following is true:

- You have not made an estimated tax or extension payment in excess of \$20,000 during the current or previous taxable year.
- Your total tax liability reported for the previous taxable year did not exceed \$80,000.
- The amount you paid is not representative of your total tax liability.

For more information or to obtain the waiver form, go to ftb.ca.gov/e-pay. Electronic payments can be made using Web Pay on the FTB's website, electronic funds withdrawal (EFW) as part of the e-file tax return, or your credit card.

Payment Options

- **Electronic Funds Withdrawal** – Instead of paying by check or money order, you may use this convenient option if you e-file. Provide your bank information, amount you want to pay, and the date you want the balance due to be withdrawn from your account. Your tax preparation software will offer this option.
- **Web Pay** – Pay the amount you owe using our secure online payment service. Go to ftb.ca.gov/pay for more information.
- **Credit Card** – Whether you e-file or file by mail, you can use your Discover, MasterCard, Visa, or American Express card to pay your personal income taxes. If you pay by credit card, do not mail form FTB 3519 to us. Call 800.272.9829 or go to the ACI Payments, Inc. (formerly Official Payments) website at officialpayments.com, and use the jurisdiction code 1555. ACI Payments, Inc. charges a convenience fee for using this service.
- **Check or Money Order** – Using black or blue ink, make your check or money order payable to the "Franchise Tax Board." **Do not send cash or other items of value** (such as stamps, lottery tickets, foreign currency, and gift cards). Write your SSN or ITIN and "2021 Form 540NR" on the check or money order. Enclose, but **do not** staple, your payment with your return.

Make all checks or money orders payable in U.S. dollars and drawn against a U.S. financial institution. **Do not** combine your 2021 tax payment and any 2022 estimated tax payment in the same check. Prepare two separate checks and mail each in a separate envelope.

If you e-filed your tax return, mail your check or money order with form FTB 3582, Payment Voucher for Individual e-filed Returns.

Do not mail a copy of your e-filed tax return.

A penalty may be imposed if your check is returned by your bank for insufficient funds.

If you enter an amount on line 122 or line 123, see the instructions for line 124 for information about how to prepare your check or money order.

Paying by Credit Card – Whether you e-file or file by mail, use your Discover, MasterCard, Visa, or American Express card to pay your personal income taxes (tax return balance due, extension payment, estimated tax payment, or tax due with bill notice). **There is a convenience fee for this service.** This fee is paid directly to ACI Payments, Inc. based on the amount of your tax payment.

Convenience Fee

- 2.30% of the tax amount charged (rounded to the nearest cent)
- Minimum fee: \$1

Example:

Tax Payment = \$753.56 Convenience Fee = \$17.33

When will my payments be effective?

Your payment is effective on the date you charge it.

What if I change my mind?

If you pay your tax liability by credit card and later reverse the credit card transaction, you may be subject to penalties, interest, and other fees imposed by the FTB for nonpayment or late payment of your tax liability.

How do I use my credit card to pay my income tax bill?

Once you have determined the type of payment and how much you owe, the following information is needed:

- Your Discover, MasterCard, Visa, or American Express card
- Credit card number
- Expiration date
- Amount you are paying
- Your and your spouse's/RDP's SSN or ITIN
- First 4 letters of your and your spouse's/RDP's last name
- Taxable year
- Home phone number (including area code)
- ZIP code for address where your monthly credit card bill is sent
- FTB Jurisdiction Code: 1555

Go to the ACI Payments, Inc. website at officialpayments.com and select **Payment Center**, or call 800.2PAY.TAX or 800.272.9829 and follow the recorded instructions. ACI Payments, Inc. provides customer assistance at 877.297.7457 Monday through Friday, 5:00 a.m. to 5:00 p.m. PST. ACI Payments, Inc. will tell you the convenience fee before you complete your transaction. Decide whether to complete the transaction at that time.

Payment Date : _____ Confirmation Number: _____

If you cannot pay the full amount or can only make a partial payment for the amount shown on Form 540NR, line 121, see the information regarding installment payments in Question 4 of the "Frequently Asked Questions" included in this booklet.

Interest and Penalties

If you file your tax return or pay your tax after the original due date, you may owe interest and penalties on the tax due.

Do not reduce the amount on line 101 or increase the amount on line 104 by any penalty or interest amounts. Enter on Form 540NR, line 122 the amount of interest and penalties.

Line 122 – Interest and Penalties

Interest – Interest will be charged on any late filing or late payment penalty from the original due date of the return to the date paid. In addition, if other penalties are not paid within **15** days, interest will be charged from the date of the billing notice until the date of payment. Interest compounds daily and the interest rate is adjusted twice a year. The FTB website has a chart of interest rates in effect since 1976. Go to ftb.ca.gov and search for **interest rates**.

Late Filing of Tax Return – If you do not file your tax return by October 17, 2022, you will incur a late filing penalty plus interest from the original due date of the tax return. The maximum total penalty is 25% of the tax not paid if the tax return is filed after October 17, 2022. The minimum penalty for filing a tax return more than 60 days late is \$135 or 100% of the balance of tax due, whichever is less.

Late Payment of Tax – If you fail to pay your total tax liability by April 18, 2022, you will incur a late payment penalty plus interest. The penalty is 5% of the tax not paid when due plus 1/2% for each month, or part of a month, the tax remains unpaid. We may waive the late payment penalty based on reasonable cause. Reasonable cause is presumed when 90% of the tax shown on the return is paid by the original due date of the return. However, the imposition of interest is mandatory.

If, after April 18, 2022, you find that your estimate of tax due was too low, pay the additional tax as soon as possible to avoid or minimize further accumulation of penalties and interest.

Other Penalties – We may impose other penalties if a payment is returned for insufficient funds. We may also impose penalties for negligence, substantial understatement of tax, and fraud.

Line 123 – Underpayment of Estimated Tax

You may be subject to an estimated tax penalty if any of the following is true:

- Your withholding and credits are less than 90% of your current tax year liability.
- Your withholding and credits are less than 100% of your prior year tax liability (110% if AGI is more than \$150,000 or \$75,000 if married/RDP filing separately).
- You did not pay enough through withholding to keep the amount you owe with your tax return under \$500 (\$250 if married/RDP filing separately).
- You did not make the required estimate payments, if you pay an installment after the date it is due, or if you underpay any installment, a penalty may be assessed on the portion of estimated tax that was underpaid from the due date of the installment to the date of payment or the due date of your return, whichever is earlier. Get the 2021 form FTB 5805, Underpayment of Estimated Tax by Individuals and Fiduciaries, for more information.

The FTB can figure the penalty for you when you file your tax return and send you a bill.

Is line 104 less than \$500 (\$250 if married/RDP filing separately)?

Yes Stop. You may not be subject to an estimated payment penalty.
No Continue. You may be subject to an estimated payment penalty.

Is line 104 less than 10% of the amount on line 63 (excluding the tax on lump-sum distributions on line 41)?

Yes Stop. You may not be subject to an estimated payment penalty.
No You may be subject to an estimated payment penalty, get form FTB 5805 (or form FTB 5805F, Underpayment of Estimated Tax by Farmers and Fishermen).

The underpayment of estimated tax penalty shall not apply to the extent the underpayment of an installment was created or increased by any provision of law that is chaptered during and operative for the taxable year of the underpayment. To request a waiver of underpayment of estimated tax penalty, get form FTB 5805 or form FTB 5805F. See "Where To Get Income Tax Forms and Publications."

If you complete one of these forms, enter the amount of the penalty on line 123 and check the correct box on line 123. Complete and attach the form if you claim a waiver, use the annualized income installment method, or pay tax according to the schedule for farmers and fishermen, even if no penalty is owed.

See "Important Dates" for more information on estimated tax payments and how to avoid the underpayment penalty.

Line 124 – Total Amount Due

Is there an amount on line 121?

Yes Add line 121, line 122, and line 123. Enter the result on line 124.
For payment options, see line 121 instructions.
No Go to line 125.

Make all checks or money orders payable in U.S. dollars and drawn against a U.S. financial institution.

Refund and Direct Deposit

Line 125 – Refund or No Amount Due

Did you report amounts on line 120, line 122, or line 123?

No Enter the amount from line 103 on line 125. This is your refund amount. If it is less than \$1, attach a written statement to your Form 540NR requesting the refund.

Yes Combine the amounts from line 120, line 122, and line 123. If the result is:

- More than line 103, subtract line 103 from the sum of line 120, line 122, and line 123 and enter the result on line 124. This is your total amount due. For payment options, see line 121 instructions.
- Less than line 103, subtract the sum of line 120, line 122, and line 123 from line 103 and enter the result on line 125. This is your refund amount.

Line 126 and Line 127 – Direct Deposit of Refund

Direct deposit is safe and convenient. To have your refund directly deposited into your bank account, fill in the account information on Form 540NR, Side 5, line 126 and line 127. Fill in the routing and account numbers and indicate the account type. Verify routing and account numbers with your financial institution. **Do not** attach a voided check or deposit slip. See the illustration on this page.

Individual taxpayers may request that their refund be electronically deposited into more than one checking or savings account. This allows more options for managing your refund. For example, you can request part of your refund go to your checking account to use now and the rest to your savings account to save for later.

The routing number must be nine digits. The first two digits must be 01 through 12 or 21 through 32. On the sample check, the routing number is 250250025. The account number can be up to 17 characters and can include numbers and letters. Include hyphens but omit spaces and special symbols. On the sample check, the account number is 202020. Check the appropriate box for the type of account. Do not check more than one box for each line.

Enter the portion of your refund you want directly deposited into each account. Each deposit must be at least \$1. When filing an original return, the total of line 126 and line 127 must equal the total amount of your refund on line 125. If line 126 and line 127 do not equal line 125, the FTB will issue a paper check.

When filing an amended return, only complete the amended Form 540NR through line 125. Next complete the California Schedule X. The amount from Schedule X, line 11 is your additional refund amount. This amount will be carried over to your amended Form 540NR and will be entered on line 126 and line 127. The total of the amended Form 540NR, line 126 and line 127 must equal the total amount of your refund on Schedule X, line 11. If the total of the amended Form 540NR, line 126 and line 127 do not equal Schedule X, line 11, the FTB will issue a paper check.

Adjusted Refunds – If there is a change made to your refund, you will still receive your refund via direct deposit. For more information on direct deposit of adjusted refunds, go to ftb.ca.gov and search for **direct deposit**.

Caution: Check with your financial institution to make sure your deposit will be accepted and to get the correct routing and account numbers. The FTB is not responsible for a lost refund due to incorrect account information entered by you or your representative.

Prior to depositing the refund, the FTB may first verify with your financial institution that the name on the account you designated to receive the direct deposit refund matches the name provided on the tax return. Some financial institutions will not allow a joint refund to be deposited to an individual account. If the direct deposit is rejected, the FTB will issue a paper check.

**John Doe
Mary Doe**
1234 Main Street
Anytown, CA 99999

1234
15-0000/0000

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PAY TO THE ORDER OF \$

ANYTOWN BANK
Anytown, CA 99999

Routing number Account number

Do not include the check number

For

I 250250025 I 202020 1234

Direct Deposit for ScholarShare 529 College Savings Plans – If you have a ScholarShare 529 College Savings Plan account maintained by the ScholarShare Investment Board, you may have your refund directly deposited to your ScholarShare account. Please visit scholarshare529.com for instructions.

Sign Your Tax Return

Sign your tax return in the designated space on Form 540NR, Side 5. If you file a joint tax return, your spouse/RDP must also sign it.

Include your preferred phone number and email address in case the FTB needs to contact you regarding your tax return. By providing this information, the FTB will be able to provide you better customer service.

Joint Tax Return – If you file a joint tax return, both you and your spouse/RDP are generally responsible for the tax and any interest or penalties due on the tax return. This means that if one spouse/RDP does not pay the tax due, the other spouse/RDP may have to pay the tax due. See “Innocent Joint Filer Relief” under Additional Information section for more information.

Paid Preparer’s Information – If you pay a person to prepare your Form 540NR, that person must sign and complete the area at the bottom of Side 5 including an identification number. The IRS requires a paid tax preparer to get and use a preparer tax identification number (PTIN). If the preparer has a federal employer identification number (FEIN), it should be entered only in the space provided. A paid preparer must give you a copy of your tax return to keep for your records.

Third Party Designee – If you want to allow your preparer, a friend, family member, or any other person you choose to discuss your 2021 tax return with the FTB, check the “Yes” box in the signature area of your tax return. Also, print the designee’s name and telephone number.

If you check the “Yes” box, you, and your spouse/RDP if filing a joint tax return, are authorizing the FTB to call the designee to answer any questions that may arise during the processing of your tax return. You are also authorizing the designee to:

- Give the FTB any information that is missing from your tax return.
- Call the FTB for information about the processing of your tax return or the status of your refund or payments.
- Receive copies of notices or transcripts related to your tax return, upon request.
- Respond to certain FTB notices about math errors, offsets, and tax return preparation.

You are not authorizing the designee to receive any refund check, bind you to anything (including any additional tax liability), or otherwise represent you before the FTB. If you want to expand or change the designee’s authorization, go to ftb.ca.gov/poa.

The authorization will automatically end no later than the due date (without regard to extensions) for filing your 2022 tax return. This is April 15, 2023, for most people. If you wish to revoke the authorization before it ends, notify us by telephone at 800.852.5711 or by writing to Franchise Tax Board, PO Box 942840, Sacramento, CA 94240-0040, include your name, SSN, and the designee’s name.

Power of Attorney – If another person prepared your tax return, he or she is not automatically granted access to your tax information in future dealings with us. At some point, you may wish to designate someone to act on your behalf in matters related or unrelated to this tax return (e.g., an audit examination). To protect your privacy, you must submit to us a legal document called a “Power of Attorney” (POA) authorizing another person to discuss or receive personal information about your income tax records. For more information, go to ftb.ca.gov/poa.

Check Your Social Security Number (or ITIN) – Verify that you have written your social security number (or ITIN) in the spaces provided at the top of Form 540NR. If you file a joint tax return, verify that you and your spouse’s/RDP’s numbers are entered in the same order as your names.

Filing Your Tax Return

Important: Attach a copy of your federal income tax return, and all supporting federal forms and schedules to the back of Form 540NR.

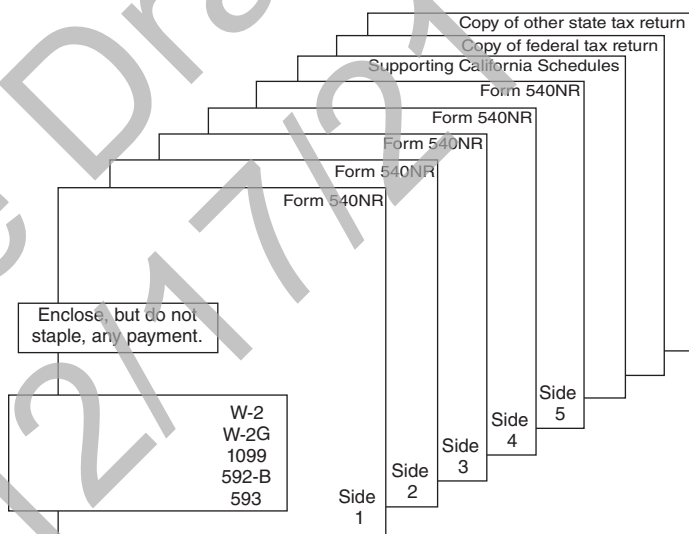
Federal Form(s) W-2, W-2G, and 1099, and CA Form(s) 592-B, and 593. Attach all the Form(s) W-2 and W-2G you received to the lower front of your tax return. Also, attach any Form(s) 1099, 592-B, and 593 showing California income tax withheld.

If you do not receive your Form(s) W-2 by January 31, 2022, contact your employer or go to ftb.ca.gov and login or register for MyFTB. Only your employer can issue or correct a Form W-2. If you cannot get a copy of your Form W-2, complete form FTB 3525, Substitute for Form W-2, Wage and Tax Statement, or Form 1099-R. See “Where To Get Income Tax Forms and Publications.”

If you forget to send your Form(s) W-2 or any other withholding form(s) with your income tax return, do not send it separately, or with another copy of your tax return. Wait until the FTB requests it from you.

Assembling Your Tax Return

Assemble your tax return in the order shown below.



Caution: Form 540NR has five sides. If filing Form 540NR, you must file all five sides with the FTB.

Mailing Your Tax Return

If you owe, mail your tax return to:

FRANCHISE TAX BOARD
PO BOX 942867
SACRAMENTO CA 94267-0001

If you have a refund, or if no amount due, mail your tax return to:

FRANCHISE TAX BOARD
PO BOX 942840
SACRAMENTO CA 94240-0001