THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2213 Session of 2015

INTRODUCED BY MUSTIO, D. COSTA, WHEATLEY, HARHART, READSHAW, BOYLE, BRADFORD, FRANKEL, GAINEY, GIBBONS, LAWRENCE, SCHLOSSBERG, SCHWEYER, DRISCOLL, V. BROWN, STURLA, YOUNGBLOOD, RAVENSTAHL, DEASY, PHILLIPS-HILL, NEUMAN, SAVAGE AND McNEILL, JUNE 23, 2016

AS REPORTED FROM COMMITTEE ON FINANCE, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 27, 2016

AN ACT

Amending the act of March 4, 1971 (P.L.6, No.2), entitled "An act relating to tax reform and State taxation by codifying and enumerating certain subjects of taxation and imposing taxes thereon; providing procedures for the payment, collection, administration and enforcement thereof; providing for tax credits in certain cases; conferring powers and imposing duties upon the Department of Revenue, certain employers, fiduciaries, individuals, persons, corporations and other entities; prescribing crimes, offenses and penalties," in neighborhood assistance tax credit, further providing for tax credit AND FOR GRANT OF TAX CREDIT.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1.  Section 1904-A(c) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, amended July 25, 2007 (P.L.373, No.55), is amended to read:

SECTION 1.  SECTIONS 1904-A(C) AND 1905-A OF THE ACT OF MARCH 4, 1971 (P.L.6, NO.2), KNOWN AS THE TAX REFORM CODE OF 1971, AMENDED JULY 13, 2016 (P.L.526, NO.84), ARE AMENDED TO READ:

Section 1904-A. Tax Credit.--* * *
(c) The total amount of tax credit granted for programs approved under this act shall not exceed [eighteen million dollars ($18,000,000)] Twenty-five million dollars ($25,000,000) [THIRTY-SIX MILLION DOLLARS ($36,000,000)] of tax credit in any fiscal year.

* * *

SECTION 1905-A. GRANT OF TAX CREDIT.--THE DEPARTMENT OF REVENUE SHALL GRANT A TAX CREDIT AGAINST ANY TAX DUE UNDER ARTICLE III, IV, VI, VII, VIII, IX OR XV OF THIS ACT, OR ANY TAX SUBSTITUTED IN LIEU THEREOF IN AN AMOUNT WHICH SHALL NOT EXCEED FIFTY-FIVE PER CENT OF THE TOTAL AMOUNT CONTRIBUTED DURING THE TAXABLE YEAR BY A BUSINESS FIRM OR TWENTY-FIVE PER CENT OF QUALIFIED INVESTMENTS BY A PRIVATE COMPANY IN PROGRAMS APPROVED PURSUANT TO SECTION 1904-A OF THIS ACT: PROVIDED, THAT A TAX CREDIT OF UP TO SEVENTY-FIVE PER CENT OF THE TOTAL AMOUNT CONTRIBUTED DURING THE TAXABLE YEAR BY A BUSINESS FIRM OR UP TO THIRTY-FIVE PER CENT OF THE AMOUNT OF QUALIFIED INVESTMENTS BY A PRIVATE COMPANY MAY BE ALLOWED FOR INVESTMENT IN PROGRAMS WHERE ACTIVITIES FALL WITHIN THE SCOPE OF SPECIAL PROGRAM PRIORITIES AS DEFINED WITH THE APPROVAL OF THE GOVERNOR IN REGULATIONS PROMULGATED BY THE SECRETARY, AND PROVIDED FURTHER, THAT A TAX CREDIT OF UP TO SEVENTY-FIVE PER CENT OF THE TOTAL AMOUNT CONTRIBUTED DURING THE TAXABLE YEAR BY A BUSINESS FIRM IN COMPREHENSIVE SERVICE PROJECTS WITH FIVE-YEAR COMMITMENTS AND UP TO EIGHTY PER CENT OF THE TOTAL AMOUNT CONTRIBUTED DURING THE TAXABLE YEAR BY A BUSINESS FIRM IN COMPREHENSIVE SERVICE PROJECTS WITH SIX-YEAR OR LONGER COMMITMENTS SHALL BE GRANTED, AND PROVIDED FURTHER, THAT A TAX CREDIT OF UP TO SEVENTY-FIVE PER CENT OF THE TOTAL AMOUNT CONTRIBUTED DURING THE TAXABLE YEAR BY A BUSINESS FIRM IN VETERANS' HOUSING ASSISTANCE APPROVED
UNDER SECTION 1904-A(B.3) SHALL BE GRANTED. SUCH CREDIT SHALL NOT EXCEED FIVE HUNDRED THOUSAND DOLLARS ($500,000) ANNUALLY FOR CONTRIBUTIONS OR INVESTMENTS TO FEWER THAN FOUR PROJECTS OR ONE MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS ($1,250,000) ANNUALLY FOR CONTRIBUTIONS OR INVESTMENTS TO FOUR OR MORE PROJECTS. NO TAX CREDIT SHALL BE GRANTED TO ANY BANK, BANK AND TRUST COMPANY, INSURANCE COMPANY, TRUST COMPANY, NATIONAL BANK, SAVINGS ASSOCIATION, MUTUAL SAVINGS BANK OR BUILDING AND LOAN ASSOCIATION FOR ACTIVITIES THAT ARE A PART OF ITS NORMAL COURSE OF BUSINESS. ANY TAX CREDIT NOT USED IN THE PERIOD THE CONTRIBUTION OR INVESTMENT WAS MADE MAY BE CARRIED OVER FOR THE NEXT FIVE SUCCEEDING CALENDAR OR FISCAL YEARS UNTIL THE FULL CREDIT HAS BEEN ALLOWED. A BUSINESS FIRM SHALL NOT BE ENTITLED TO CARRY BACK OR OBTAIN A REFUND OF AN UNUSED TAX CREDIT. THE TOTAL AMOUNT OF ALL TAX CREDITS ALLOWED PURSUANT TO THIS ACT SHALL NOT EXCEED [EIGHTEEN MILLION DOLLARS ($18,000,000)] THIRTY-SIX MILLION DOLLARS ($36,000,000) IN ANY ONE FISCAL YEAR. OF THAT AMOUNT, TWO MILLION DOLLARS ($2,000,000) SHALL BE ALLOCATED EXCLUSIVELY FOR PASS-THROUGH ENTITIES. HOWEVER, IF THE TOTAL AMOUNTS ALLOCATED TO EITHER THE GROUP OF APPLICANTS, EXCLUSIVE OF PASS-THROUGH ENTITIES, OR THE GROUP OF PASS-THROUGH ENTITY APPLICANTS IS NOT APPROVED IN ANY FISCAL YEAR, THE UNUSED PORTION SHALL BECOME AVAILABLE FOR USE BY THE OTHER GROUP OF QUALIFYING TAXPAYERS.

Section 2. This act shall take effect in 60 days.