

HB0274S01 compared with HB0274

~~deleted text~~ shows text that was in HB0274 but was deleted in HB0274S01.

inserted text shows text that was not in HB0274 but was inserted into HB0274S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Brian S. King proposes the following substitute bill:

TAX CREDITS FOR EMPLOYING A HOMELESS PERSON AND

RELATED FUNDING

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian S. King

Senate Sponsor: { _____

~~Curtis S. Bramble~~

Cosponsors:

Patrice M. Arent

Joel K. Briscoe

Derek E. Brown

Rebecca Chavez-Houck

Tim M. Cosgrove

Susan Duckworth

Rebecca P. Edwards

Steve Eliason

Janice M. Fisher

Lynn N. Hemingway

Eric K. Hutchings

Carol Spackman Moss

Jim Nielson

Marie H. Poulson

Angela Romero

Jennifer M. Seelig

Mark A. Wheatley

Larry B. Wiley

LONG TITLE

General Description:

HB0274S01 compared with HB0274

This bill enacts tax credits for employing a homeless person and provides for transfers from the General Fund into the Education Fund in the amount of tax credit claimed.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ enacts nonrefundable corporate and individual income tax credits for employing a homeless person~~(-)~~;
- ▶ provides an expiration date for claiming the tax credits;
- ▶ requires transfers from the General Fund into the Education Fund in the amount of tax credit claimed; and
- ▶ grants rulemaking authority to the State Tax Commission.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill has retrospective operation for a taxable year beginning on or after January 1, 2013.

Utah Code Sections Affected:

ENACTS:

59-7-614.10, Utah Code Annotated 1953

59-10-1032, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **59-7-614.10** is enacted to read:

59-7-614.10. Nonrefundable tax credit for hiring a homeless person.

(1) As used in this section:

(a) "Continuously employed" means that beginning on or after January 1, 2013, a homeless person works for **compensation for** a corporation for at least 80 hours during each month of a six-month period that begins on the date the homeless person is hired by the corporation.

(b) "Homeless person" means an individual whose primary nighttime residence is a permanent housing, permanent supportive, or transitional facility.

HB0274S01 compared with HB0274

(c) "Permanent housing, permanent supportive, or transitional facility" means a facility:

(i) located within the state;

(ii) that provides supervision of residents of the facility; and

(iii) (A) that is a publicly or privately operated shelter designed to provide temporary living accommodations, including a welfare hotel, congregate shelter, or transitional housing for the mentally ill, and that receives federal homeless assistance funding distributed by the United States Department of Housing and Urban Development; or

(B) that is an emergency shelter that receives homeless assistance funding from a county, city, or town.

(2) ~~(A)~~ For a taxable year beginning on or after January 1, 2013, but beginning on or before December 31, 2014, a corporation may claim a nonrefundable tax credit as provided in this section against a tax under this chapter if the corporation hires a homeless person:

(a) on or after January 1, 2013;

(b) who resides in a permanent housing, permanent supportive, or transitional facility on the date the corporation hires the homeless person; and

(c) who is continuously employed by the corporation.

(3) A tax credit under this section is equal to:

(a) (i) \$500 for a homeless person who works for a corporation for at least 80 hours but fewer than 160 hours during each month of a six-month period that begins on the date the homeless person is hired by the corporation; and

(ii) (A) \$500 if the homeless person described in Subsection (3)(a)(i) works for the corporation for at least 80 hours but fewer than 160 hours during each month of an additional six-month period that begins on the day after the last day of the six-month period described in Subsection (3)(a)(i); or

(B) \$1000 if the homeless person described in Subsection (3)(a)(i) works for the corporation for 160 or more hours during each month of an additional six-month period that begins on the day after the last day of the six-month period described in Subsection (3)(a)(i); or

(b) (i) \$1000 for a homeless person who works for a corporation for 160 or more hours during each month of a six-month period that begins on the date the homeless person is hired by the corporation; and

(ii) (A) \$500 if the homeless person described in Subsection (3)(b)(i) works for the

HB0274S01 compared with HB0274

corporation for at least 80 hours but fewer than 160 hours during each month of an additional six-month period that begins on the day after the last day of the six-month period described in Subsection (3)(b)(i); or

(B) \$1000 if the homeless person described in Subsection (3)(b)(i) works for the corporation for 160 or more hours during each month of an additional six-month period that begins on the day after the last day of the six-month period described in Subsection (3)(b)(i).

(4) (a) A tax credit under this section may be claimed only once per homeless person a corporation hires.

(b) A tax credit under:

(i) Subsection (3)(a)(i) may be claimed in a different taxable year than a tax credit claimed under Subsection (3)(a)(ii); and

(ii) Subsection (3)(b)(i) may be claimed in a different taxable year than a tax credit claimed under Subsection (3)(b)(ii).

(5) A corporation that claims a tax credit under this section shall retain the following for each homeless person with respect to whom the corporation claims a tax credit under this section:

(a) the homeless person's:

(i) name;

(ii) taxpayer identification number; and

(iii) current address, or if the homeless person is no longer employed by the corporation, the last known address of the homeless person;

(b) documentation provided by a permanent housing, permanent supportive, or transitional facility:

(i) stating the address of the permanent housing, permanent supportive, or transitional facility; and

(ii) establishing that the homeless person resided at the permanent housing, permanent supportive, or transitional facility on the date the corporation hired the homeless person; and

(c) documentation establishing the hours and dates that the homeless person worked for the corporation.

(6) A corporation shall provide the information described in Subsection (5) to the commission at the request of the commission.

HB0274S01 compared with HB0274

(7) A corporation may carry forward a tax credit under this section for a period that does not exceed the next five taxable years if:

(a) the corporation is allowed to claim a tax credit under this section for a taxable year;
and

(b) the amount of the tax credit exceeds the corporation's tax liability under this chapter for that taxable year.

(8) In accordance with any rules prescribed by the commission under Subsection (9), the commission shall transfer at least annually from the General Fund into the Education Fund an amount equal to the amount of tax credit claimed under this section.

(9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules for making a transfer from the General Fund into the Education Fund as required by Subsection (8).

Section 2. Section **59-10-1032** is enacted to read:

59-10-1032. Nonrefundable tax credit for hiring a homeless person.

(1) As used in this section:

(a) "Continuously employed" means that beginning on or after January 1, 2013, a homeless person works for compensation for a claimant, estate, or trust for at least 80 hours during each month of a six-month period that begins on the date the homeless person is hired by the claimant, estate, or trust.

(b) "Homeless person" means an individual whose primary nighttime residence is a permanent housing, permanent supportive, or transitional facility.

(c) "Permanent housing, permanent supportive, or transitional facility" means a facility:

(i) located within the state;

(ii) that provides supervision of residents of the facility; and

(iii) (A) that is a publicly or privately operated shelter designed to provide temporary living accommodations, including a welfare hotel, congregate shelter, or transitional housing for the mentally ill, and that receives federal homeless assistance funding distributed by the United States Department of Housing and Urban Development; or

(B) that is an emergency shelter that receives homeless assistance funding from a county, city, or town.

(2) ~~(A)~~ For a taxable year beginning on or after January 1, 2013, but beginning on or

HB0274S01 compared with HB0274

before December 31, 2014, a claimant, estate, or trust may claim a nonrefundable tax credit as provided in this section against a tax under this chapter if the claimant, estate, or trust hires a homeless person:

(a) on or after January 1, 2013;

(b) who resides in a permanent housing, permanent supportive, or transitional facility on the date the claimant, estate, or trust hires the homeless person; and

(c) who is continuously employed by the claimant, estate, or trust.

(3) A tax credit under this section is equal to:

(a) (i) \$500 for a homeless person who works for a claimant, estate, or trust for at least 80 hours but fewer than 160 hours during each month of a six-month period that begins on the date the homeless person is hired by the claimant, estate, or trust; and

(ii) (A) \$500 if the homeless person described in Subsection (3)(a)(i) works for the claimant, estate, or trust for at least 80 hours but fewer than 160 hours during each month of an additional six-month period that begins on the day after the last day of the six-month period described in Subsection (3)(a)(i); or

(B) \$1000 if the homeless person described in Subsection (3)(a)(i) works for the claimant, estate, or trust for 160 or more hours during each month of an additional six-month period that begins on the day after the last day of the six-month period described in Subsection (3)(a)(i); or

(b) (i) \$1000 for a homeless person who works for a claimant, estate, or trust for 160 or more hours during each month of a six-month period that begins on the date the homeless person is hired by the claimant, estate, or trust; and

(ii) (A) \$500 if the homeless person described in Subsection (3)(b)(i) works for the claimant, estate, or trust for at least 80 hours but fewer than 160 hours during each month of an additional six-month period that begins on the day after the last day of the six-month period described in Subsection (3)(b)(i); or

(B) \$1000 if the homeless person described in Subsection (3)(b)(i) works for the claimant, estate, or trust for 160 or more hours during each month of an additional six-month period that begins on the day after the last day of the six-month period described in Subsection (3)(b)(i).

(4) (a) A tax credit under this section may be claimed only once per homeless person a

HB0274S01 compared with HB0274

claimant, estate, or trust hires.

(b) A tax credit under:

(i) Subsection (3)(a)(i) may be claimed in a different taxable year than a tax credit claimed under Subsection (3)(a)(ii); and

(ii) Subsection (3)(b)(i) may be claimed in a different taxable year than a tax credit claimed under Subsection (3)(b)(ii).

(5) A claimant, estate, or trust that claims a tax credit under this section shall retain the following for each homeless person with respect to whom the claimant, estate, or trust claims a tax credit under this section:

(a) the homeless person's:

(i) name;

(ii) taxpayer identification number; and

(iii) current address, or if the homeless person is no longer employed by the claimant, estate, or trust, the last known address of the homeless person;

(b) documentation provided by a permanent housing, permanent supportive, or transitional facility:

(i) stating the address of the permanent housing, permanent supportive, or transitional facility; and

(ii) establishing that the homeless person resided at the permanent housing, permanent supportive, or transitional facility on the date the claimant, estate, or trust hired the homeless person; and

(c) documentation establishing the hours and dates that the homeless person worked for the claimant, estate, or trust.

(6) A claimant, estate, or trust shall provide the information described in Subsection (5) to the commission at the request of the commission.

(7) A claimant, estate, or trust may carry forward a tax credit under this section for a period that does not exceed the next five taxable years if:

(a) the claimant, estate, or trust is allowed to claim a tax credit under this section for a taxable year; and

(b) the amount of the tax credit exceeds the claimant's, estate's, or trust's tax liability under this chapter for that taxable year.

HB0274S01 compared with HB0274

(8) In accordance with any rules prescribed by the commission under Subsection (9), the commission shall transfer at least annually from the General Fund into the Education Fund an amount equal to the amount of tax credit claimed under this section.

(9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules for making a transfer from the General Fund into the Education Fund as required by Subsection (8).

Section 3. **Retrospective operation.**

This bill has retrospective operation for a taxable year beginning on or after January 1, 2013.

†

Legislative Review Note

~~as of 12-10-12 2:37 PM~~

~~Office of Legislative Research and General Counsel~~