# FORM 500CR MARYLAND BUSINESS INCOME TAX CREDITS INSTRUCTIONS 2012

## GENERAL INSTRUCTIONS

**Purpose** 500CR is used to claim the following business tax credits against corporation, personal or fiduciary income tax, or employer withholding tax (tax-exempt organizations only).

| Tax Credit | Part |
|---|---|
| Bio-Heating Oil Tax Credit** | R |
| Biotechnology Investment Incentive Tax Credit** | L |
| Businesses That Create New Jobs Tax Credit | F |
| Cellulosic Ethanol Technology Research & Development Tax Credit** | S |
| Clean Energy Incentive Tax Credit** | N |
| Community Investment Tax Credit** | E |
| Commuter Tax Credit* | M |
| Electric Vehicle Recharging Equipment Tax Credit ** | V |
| Employer-Provided Long-Term Care Insurance Tax Credit | I |
| RESERVED FOR FUTURE USE | B |
| Enterprise Zone Tax Credit | A |
| Film Production Employment Tax Credit** | U |
| Green Building Tax Credit** | Q |
| Job Creation Tax Credit** | D |
| Job Creation and Recovery Tax Credit** | T |
| Long-Term Employment of Qualified Ex-Felons Tax Credit* | G |
| Maryland Disability Employment Tax Credit* | C |
| Maryland-Mined Coal Tax Credit** | O |
| One Maryland Economic Development Tax Credit** | P |
| Research and Development Tax Credits** | K |
| RESERVED FOR FUTURE USE | J |
| Work-Based Learning Program Credit** | H |

***Tax-exempt organizations** For application of these credits against employer withholding tax, complete and attach Form 500CR to Form MW508 (Annual Employer Withholding Reconciliation Return). See Administrative Release 34.

****Required Certification must be attached to Form 500CR.**

**Pass-through entities (PTEs)** If the business is a PTE, Form 500CR must be completed through line 23, Part W and submitted with the PTE income tax return (Form 510). The PTE must provide each partner, shareholder, member or beneficiary with a statement showing their share of the credit.

Note: If you are a PTE claiming the One Maryland Economic Development Tax Credit, refer to the instructions in Part P before submitting Form 500CR. There are additional reporting requirements.

**Fiscal Year Return** Any credit from a PTE filing a fiscal year return is considered received by the member(s) on the last day of the PTE's fiscal year. The credit(s) should be claimed on the member(s)'s tax return for the same year as the PTE's fiscal year end. Even though the K-1 listing the credit may reflect the tax year for the beginning of the fiscal year, the credit is still claimed in the year in which the PTE's fiscal year ends.

**Credits received from PTEs** Check the box on page 1 of Form 500CR to indicate that credits are from a PTE and enter the PTE's federal employer identification number (FEIN). Attach the K-1 and statements from the PTEs showing your share of the credit and any credits passing through and Form 500CR to the tax return to be filed.

If credits are received from more than one entity, prepare a schedule that provides the entity name, FEIN, type of credit and amount of the credit for each entity. Total the amounts for each credit and enter on the appropriate lines of Form 500CR, Part W. Complete Part W and Part X.

Note: If a PTE has issued you a Schedule K-1 or other statement stating that you are entitled to claim a distributive or pro rata portion of a One Maryland Economic Development Tax Credit, refer to the instructions in Part P before submitting Form 500CR. **There are additional entries you must make on Form 500CR to claim your share of the credit.**

**Credits claimed by both spouses on a joint return** Complete only one Form 500CR combining the amounts for both spouses.

**Name and Other Information** Enter the name as shown on Form 500, 502, 504, 505, 510 or MW508 in the designated area. Enter the taxpayer identification number (social security number or FEIN). If a federal employer identification number (FEIN) is to be used and has not been secured, enter "APPLIED FOR" followed by the date of application. If you have not applied for a FEIN, please do so immediately.

**Tax Year or Period** Enter the beginning and ending dates in the space provided at the top of Form 500CR. The form used for filing must reflect the same tax year as the annual tax return.

**When and Where to File** Form 500CR must be attached to the annual return (Form 500, 502, 504, 505, 510 or MW508) and filed with the Comptroller of Maryland, Revenue Administration Division, 110 Carroll Street, Annapolis, Maryland 21411-0001.

## PART A - ENTERPRISE ZONE TAX CREDIT

**General Requirements** Businesses located in an enterprise zone may be eligible for tax credits based upon wages paid to qualifying employees. For businesses located in a focus area (an area within an enterprise zone that is especially in need) the credit amounts are higher.

Businesses that own, operate, develop, construct or rehabilitate property intended for use primarily as single- or multi-family residential property are **not** eligible for the enterprise zone tax credit.

Qualifying employees are those employees who:

1. are new employees or employees rehired after being laid off for more than one year;
2. were employed at least 35 hours per week by the business for at least six months before or during the business entity's tax year for which a credit is claimed;
3. spent at least one-half of their working hours in the enterprise zone on activities of the business resulting directly from its location in the enterprise zone;
4. earn 150% or more of the federal minimum wage; and
5. were hired by the business after the later of the date on which the enterprise zone was designated or the date on which the business entity located in the enterprise zone.

In addition, an employee may not have been hired to replace an individual employed by the business in that or the three previous tax years except an economically disadvantaged employee hired to replace a previously qualified economically disadvantaged employee, for whom the business received the corresponding first- or second-year credit in the immediately preceding tax year.For information on the location of enterprise zones and focus areas and the standards which businesses must meet to qualify, contact:

Maryland Department of Business and Economic Development
Division of Business Development, Tax Incentives Group
World Trade Center
401 E. Pratt St.
Baltimore, MD 21202
410-767-4980
taxincentives@choosemaryland.com

Economically disadvantaged employees are those who are certified as such by:

Maryland Department of Labor, Licensing and Regulation
Division of Employment and Training
1100 N. Eutaw Street
Baltimore, MD 21201
410-767-2047

That office will provide information relating to certification requirements for such employees.

**Specific Requirements**

Complete Parts A-I and A-II if the business is located in an enterprise zone but not in a focus area. Complete Parts A-III and A-IV if the business is located in a focus area.

**Part A-I Credit for economically disadvantaged employees not located in a focus area** A credit is allowed for each new economically disadvantaged employee for a three-year period beginning with the year the employee was qualified. The credits are limited to the following amounts of wages paid to the economically disadvantaged employee: $3,000 in the first year, $2,000 in the second year and $1,000 in the third year. If the employee replaced a previously qualified economically disadvantaged employee, the credit for the new employee will be the same as would have been allowed for the replaced employee.

**Part A - II Credit for other qualified employees not located in a focus area** A credit is allowed for each new qualified employee not provided in Part A-I. The credit is limited to $1,000 of wages paid and is applicable for only the first year the employee was qualified.

**Part A - III Credit for economically disadvantaged employees located in a focus area** A credit is allowed for each new economically disadvantaged employee for a three-year period beginning with the first year the employee was qualified. The credits are limited to the following amounts of wages paid to the same economically disadvantaged employee: $4,500 in the first year, $3,000 in the second year and $1,500 in the third year. If the employee replaced a previously qualified economically disadvantaged employee, the credit for the new employee will be the same as would have been allowed for the replaced employee.

**Part A - IV Credit for other qualified employees located in a focus area** A credit is allowed for each new qualified employee not provided in Part A-III. The credit is limited to $1,500 of wages paid and is applicable for only the first year the employee was qualified.

**Part A - Summary** Add lines 5,7,12 and 14 and enter total.

Whenever an Enterprise Zone Tax Credit is claimed, an addition modification must be made in the amount of the credit claimed.

## PART B - RESERVED FOR FUTURE USE

## PART C - MARYLAND DISABILITY EMPLOYMENT TAX CREDIT

**General Requirements** Businesses that employ persons with disabilities, as determined by the Division of Rehabilitation Services (DORS) in the Maryland State Department of Education and/or by the Maryland Department of Labor, Licensing and Regulation (DLLR) may be eligible for tax credits for wages paid to, and for child care expenses and transportation expenses paid on behalf of, qualified employees.

Qualifying employees with a disability are those who are certified as such by the DORS (or by the DLLR for a disabled veteran).

For certification or for additional information, contact:

Division of Rehabilitation Services
2301 Argonne Drive
Baltimore, MD 21218
1-888-554-0334
dors@msde.state.md.us

or the Department of Labor, Licensing and Regulation at
410-767-2047
taxcredit@dllr.state.md.us

A "Qualified Employee" with a disability means an individual who:

1. meets the definition of an individual with a disability as defined by the Americans with Disability Act;
2. has a disability that presently constitutes an impediment to obtaining or maintaining employment or to transitioning from school to work; and
3. is ready for employment; or
4. is a veteran who has been discharged or released from active duty by the American Armed Forces for a service-connected disability.

This credit may not be claimed if the Employment Opportunity Tax Credit has been claimed for that employee. In addition, an employee must not have been hired to replace a laid-off employee or to replace an employee who is on strike or for whom the business simultaneously receives federal or state employment training benefits.

Qualifying child care expenses are those expenses incurred by a business to enable a qualified employee with a disability to be gainfully employed.

Transportation expenses are those expenses incurred by a business entity to enable a qualified employee with a disability to travel to and from work.

**Specific Requirements**

**Part C-I Credit for employees with a disability hired** A credit is allowed for each new employee with a disability for a two-year period beginning with the year the employee was qualified. The credit for each disabled employee hired is equal to 30% of the first $6,000 of qualified first year wages and 20% of the first $6,000 of qualified second year wages.

The employer is not entitled to claim the credit until employment has continued for at least one full year unless the employee: (a) voluntarily leaves the employer, (b) becomes further disabled or death occurs or (c) is terminated for cause. The credit must be prorated for the portion of the year the employee worked unless the employee voluntarily left to take another job.

**Part C-II Credit for Child Care and Transportation Expenses** An additional credit is allowed for expenses incurred by the employer for approved day care services for a child or children of a qualified employee, or for transportation expenses that are incurred to enable a qualified employee to travel to and from work. A credit of up to $600 is allowed for the first year of employment and up to $500 for the second year. To verify if a child care center qualifies as an approved provider, contact the Department of Human Resources, Child Care Administrator for the county or city in which the child care center is located.

**Part C-Summary** Add lines 4 and 8.

Whenever this credit is claimed against the income tax, an addition modification must be made in the amount of the credit claimed.

A credit will be allowed only for employees hired before July 1, 2013.

***No credits may be earned for any tax year beginning on or after January 1, 2016.***

**PART D - JOB CREATION TAX CREDIT**

**General Requirements** Certain businesses that create new qualified positions in Maryland may be eligible for tax credits based on the number of qualified positions created or wages paid for these positions.

The business facility must be certified as having created at least 60 qualified positions, 30 high-paying qualified positions, or 25 qualified positions if the business facility established or expanded is in a State Priority Funding Area.

A qualified position is a full-time position which pays at least 150% of the federal minimum wage, is located in Maryland, is newly created as a result of the establishment or expansion of a business facility in a single location in the state and is filled. Qualified business entities are those that are certified as such by the Maryland Department of Business and Economic Development. A qualified employee is an employee filling a qualified position.

**Recapture Provision** If, at any time during the three tax years after the year the credit was earned, the average number of qualified positions falls more than 5% below the average number of qualified positions during the year in which the credit was earned, a portion of the credit will be recaptured for the tax year in which this occurs. The amount to be recaptured is the amount originally claimed multiplied by the percentage reduction in the number of qualified employees. The credit to be recaptured is reported on line 26, Part W of Form 500CR.

For certification or for information on the standards that businesses must meet to qualify, contact:

Maryland Department of Business and Economic Development
Division of Business Development, Tax Incentive Group
401 E. Pratt St.
Baltimore, MD 21202
410-767-6438 or 410-767-4980
taxincentives@choosemaryland.com

**Specific Requirements**

**Part D-I Credit for employees of a qualified business** A credit is allowed for each newly created qualified filled position. The credit is the lesser of $1,000 multiplied by the number of filled qualified positions during the credit year or 2.5% of the wages paid for these positions for the credit year.

**Part D-II Credit for employees working in a facility located in a revitalization area** A credit is allowed for each newly-created qualified filled position located in a revitalization area. The credit is the lesser of $1,500 multiplied by the number of filled qualified positions or 5% of the wages paid for these positions.

**Part D - Summary** Add lines 4 and 8 and enter total on line 9. The total credit will be taken over a two-year period. One-half of the credit will be allowed each year. The amount allowed for any credit year cannot exceed $1,000,000.

***No credits may be earned for any tax year beginning on or after January 1, 2020.***

**NOTE:** A copy of the certification from the Department of Business and Economic Development must be included with Form 500CR.

**PART E - COMMUNITY INVESTMENT TAX CREDIT**

Businesses or individuals who contribute to approved Community Investment Programs may be eligible for a credit against the state income tax. Contributions must be made to a nonprofit organization approved by the Department of Housing and Community Development. The taxpayer must apply to and receive approval by the Department of Housing and Community Development for each contribution for which a credit is claimed. The credit is limited to 50% of the approved contributions (including real property) not to exceed $250,000.

For further information contact:

Department of Housing and Community Development
100 Community Place
Crownsville, MD 21032-2023
410-514-7241

Note: A copy of the required approval from the Department of Housing and Community Development must be included with Form 500CR.

**PART F - BUSINESSES THAT CREATE NEW JOBS TAX CREDIT**

To qualify, businesses must be located in Maryland and create new positions or establish or expand business facilities in the state. If a property tax credit (or an enhanced property tax credit) as defined in Section 9-230 of the Tax-Property Article is granted by the Mayor and City Council of Baltimore City or the governing body of a county or municipal corporation, certain businesses may be entitled to an income tax credit.

These credits are based on percentages of the property tax liability as certified by the State Department of Assessments and Taxation. Enter the certified amount on lines 1 or 2 as applicable.

**Recapture Provision** If, at any time during the three tax years after the year the credit was earned, the business fails to satisfy the thresholds to qualify for the credit, the credit must be recaptured. The income tax credit to be recaptured is reported on line 26, Part W of Form 500CR and filed with the tax return for the tax year in which the business failed to satisfy the applicable thresholds.

For further information contact:

State Department of Assessments and Taxation
301 W. Preston Street
Baltimore, MD 21201-2395
410-767-1191
taxcredits@dat.state.md.us

**PART G - LONG-TERM EMPLOYMENT OF QUALIFIED EX-FELONS TAX CREDIT (for employees hired from 1/1/07 through 12/31/2011)**

A credit is allowed to businesses that hire qualified ex-felons under a program approved by Maryland Department of Labor, Licensing and Regulation. This credit may not be claimed if the Employment Opportunity Tax Credit or Maryland Disability Employment Tax Credit has been claimed for that employee.

A qualified employee is a "qualified ex-felon" in accordance with Section 51(d)(4) of the Internal Revenue Code. A business may not claim a credit for an employee who is hired to replace a laid-off employee or an employee who is on strike, or for which the business simultaneously receives federal or state employment training benefits.

A credit is allowed for each qualified ex-felon for a two-year period beginning with the first year the employee was qualified. The credit for each qualified employee hired is equal to 30% of the first $6,000 of qualified first year wages and 20% of the first $6,000 of qualified second year wages.

The employer can not claim the credit until employment has continued for at least one full year unless the employee: (a) voluntarily leaves the employer; (b) becomes disabled or death occurs or; (c) is terminated for cause. The credit must be prorated for the portion of the year the employee worked unless the employee voluntarily left to take another job.

Whenever a Long-term Employment of Qualified Ex-Felons Tax Credit is claimed against the income tax, an addition modification must be made in the amount of the credit claimed.

For further information, contact:

Maryland Department of Labor, Licensing and Regulation
Division of Employment and Training
1100 N. Eutaw Street
Baltimore, MD 21201
410-767-2047

**PART H - WORK-BASED LEARNING PROGRAM CREDIT**

A credit is allowed for wages paid to each student employee under an approved paid work-based learning program. The credit is 15% of the wages paid to each student not to exceed a cumulative amount of $1,500 per student for the duration of the program.

For further information on qualified students and the requirements, employers must meet to qualify, contact:

Maryland State Department of Education
Division of Career Technology and Adult Learning
200 W. Baltimore St.
Baltimore, MD 21201
410-767-0182
wbltaxcredit@msd.state.md.us

***This credit is allowed for wages paid after 12/31/2008.***

**NOTE:** A copy of the certification from the Maryland State Department of Education must be included with Form 500CR.

**PART I - EMPLOYER-PROVIDED LONG-TERM CARE INSURANCE TAX CREDIT**

A credit is allowed for premiums paid by employers to provide long-term care insurance to their employees as part of their benefits package. The employer may claim a credit of 5% of the premiums paid during the tax year or $100 for each Maryland employee covered by long-term care insurance provided, whichever is less, but cannot be more than $5,000.

**PART J - RESERVED FOR FUTURE USE**

**PART K - RESEARCH AND DEVELOPMENT TAX CREDIT**

Businesses that incur qualified research and development expenses in Maryland may be entitled to tax credits. The total of research and development credits for all businesses may not exceed $6,000,000 per year.

There are two credits. The Basic Credit is 3% of the qualified Maryland research and development expenses paid during the tax year, **up to** a base amount. The Growth Credit is 10% of the Maryland research and development expenses paid during the tax year that **exceed** the base amount.

Certification must be obtained from the Maryland Department of Business and Economic Development (DBED) before the credit can be claimed. The credit must be taken for the tax year in which the expenses were incurred. Therefore, an amended return may need to be filed. A copy of the certification from DBED must be included with the return.

Whenever this credit is claimed against the income tax, an addition modification must be made for the tax year in which the research and development expenses were paid.

***The credits are applicable to tax years beginning after December 31, 1999 but before January 1, 2020.***

For certification and further information contact:

Maryland Department of Business and Economic Development
Division of Business Development Tax Incentives Group
401 E. Pratt St.
Baltimore, MD 21202
410-767-6438 or 410-767-4980
taxincentives@choosemaryland.com

**PART L - BIOTECHNOLOGY INVESTMENT INCENTIVE TAX CREDIT**

**General Requirements** A credit is available for an investment in a qualified Maryland biotechnology company. To qualify, a company can be any entity of any form (except a sole proprietorship) that is duly organized and existing under the laws of any jurisdiction for the purpose of conducting business for profit, and must be primarily engaged in the research, development, or commercialization of innovative and proprietary technology that comprises, interacts with, or analyzes biological material including biomolecules (DNA, RNA, or protein), cells, tissues or organs. The biotechnology company must have its headquarters and base of operations in Maryland; have fewer than 50 full-time employees; have been in active business no longer than 10 years (or 12 years if the Maryland Department of Business and Economic Development (DBED) determines that the company requires additional time to complete the process of regulatory approval); have been certified as a biotechnology company by DBED; and must not have any securities publicly traded on any exchange. For fiscal year 2012 and 2013 only, the biotechnology company may be in active business for up to 15 years.

The investor can be an individual or any entity (except a retirement plan), and must make an investment of at least $25,000 in a qualified Maryland biotechnology company (but not own more than 25% of the equity interests in the company after making the investment); must be required to file an income tax return in any jurisdiction; and must apply for and receive final certification from DBED in order to claim the Biotechnology Investment Incentive Tax Credit. The amount of the credit is 50% of the investment in the qualified Maryland biotechnology company, not to exceed $250,000. The investment must be the contribution of money in cash or cash equivalents expressed in United States dollars, at risk of loss, to a qualified Maryland biotechnology company in exchange for stock, a partnership or membership interest, or other ownership interest in the equity of the company title to which ownership shall vest in the qualified investor. The investment cannot include debt. See §10-725 of the Tax-General Article and Code of Maryland Regulations 24.05.03.

For questions on application and certification processes or for additional information on this credit program, contact:

Maryland Department of Business and Economic Development
Division of Business Development, Tax Incentive Group
401 E. Pratt St.
Baltimore, MD 21202
410-767-6438 or 410-767-4980
taxincentives@choosemaryland.com

**Specific Requirements:** The investor may claim the tax credit for the amount provided in the final certificate. If the credit amount exceeds the tax due, then a refund for the excess amount may be claimed. The credit cannot be claimed until the date of issuance of the final certificate. It must be claimed on the Maryland income tax return for the tax year in which the investor makes the investment in the qualified Maryland biotechnology company.

Both the final certificate received from DBED and a statement of affidavit (see below) as prepared by the investor are required to be attached to the 500CR in order for the Biotechnology Investment Incentive Tax Credit to be allowed. Complete Form 500CR using the information provided in the final certificate and enter the amount calculated from line 6 to line 2 of Part Y.

**NOTE**: If you are claiming a credit for more than one investment, a separate Form 500CR must be completed for each investment. Total the amount from each Form 500CR, Part L, line 6. Using only one summary section, record the total on Form 500CR, Part Y, line 2. To claim the credit, you must attach each separate Form 500CR to your income tax return.

**Required Statement and Recapture of Credit** The statement of affidavit must include the taxpayer identification number and name of the investor; signature of the investor under penalties of perjury (or its authorized representative); and date. The statement of affidavit must stipulate that if, within 2 years after the close of the tax year for which the credit is claimed, (1) the investor sells, transfers or disposes of the ownership interest in the qualified Maryland biotechnology company, for which this tax credit was certified, or (2) the qualified Maryland biotechnology company ceases operating as an active business with its headquarters and base of operations in Maryland, the investor shall give notice to the Comptroller by reporting the applicable recapture amount on the investor's Maryland tax return for the tax year in which the event causing the recapture occurred.

The applicable recapture amount is calculated by multiplying the total amount of the credit claimed (or in the case of a sale, transfer or other disposition of the ownership interest, the portion of the credit attributable to the ownership interest disposed of), by one of the following percentages: 100%, if the event requiring recapture of the credit occurs during the taxable year for which the tax credit is claimed; 67%, if the event requiring recapture of the credit occurs during the first year after the close of the taxable year for which the tax credit is claimed; or 33%, if the event requiring recapture of the credit occurs more than 1 year but not more than 2 years after the close of the taxable year for which the tax credit is claimed. The amount of recapture is entered onto line 5, part L.

In addition, an investor's credit may be subject to a recapture if the certificate is rescinded by DBED due to the investor failing to provide the required notice to DBED of having made the investment, or if DBED revokes the final certificate due to false representations made in connection with application for the certification. See Code of Maryland Regulations 24.05.03 for rescission and revocation procedures.

**Pass-through entities** If the credit is earned by an investor that is a PTE, the members of the PTE may claim the pro rata or distributive shares of the credit amount subject to the $250,000 limitation. A PTE that earned the Biotechnology Investment Incentive Tax Credit must file the Maryland Form 510, Form 500CR and all other required attachments in order for the members to be permitted to claim the credit. See Form 510 instructions. In order for a member of the PTE to be allowed the credit, the member must attach to the filed Maryland return the following: a completed Form 500CR; copies of the final certification from DBED and statement of affidavit; and Schedule K-1 or other statement showing the allocated share of credit amount.

## PART M - COMMUTER TAX CREDIT

A credit is allowed for businesses that conduct or operate a trade or business in Maryland and provide commuter benefits for their employees.

The business must pay a portion of the cost of travel between the employee's home and the workplace. Qualified commuter benefits include the cost of transit instruments (tickets, passes, vouchers, fare cards, smartcards and tokens) used to transport an employee of the business to or from home and the workplace. The portion of the cost an employer pays to provide a "Guaranteed Ride Home" program or for a parking "Cash-Out" program for their employees also are qualified commuter benefits.

Travel must be on a qualified mass transit vehicle or system, or in a vanpool. The vanpool vehicle must seat at least 8 adults and be used primarily to transport employees between home and the workplace.

The credit is the lesser of 50% of the cost of providing commuter benefits or $50 per month for each employee.

For more information contact:

Mass Transit Administration, Marketing Division
6 St. Paul Street, 3rd Floor
Baltimore, MD 21202-1614
410-767-8755
www.commuterchoicemaryland.com

## PART N - CLEAN ENERGY INCENTIVE TAX CREDIT

This credit is allowed if a Maryland facility is originally placed in service, or that initially began co-firing, during the period of 1/1/2006 through 12/31/2015 and produces electricity during the tax year primarily using qualified energy resources derived from:

- Wind
- Open and Closed Loop Biomass
- Geothermal
- Solar
- Small Irrigation
- Municipal Solid Waste
- Qualified Hydropower

The credit is 0.85 cents for each kilowatt hour of electricity produced at a Maryland facility using qualified energy resources during the five-year period specified in the initial credit certificate. If the facility produces electricity from qualified energy resources co-fired with coal, the credit is 0.5 cents for each kilowatt hour of electricity produced during the five-year period, specified in the initial credit certificate.

You must obtain an initial credit certificate from Maryland Energy Administration before claiming this Clean Energy Incentive Tax Credit.

The credit claimed each year can not exceed one-fifth of the maximum amount stated in the initial credit certificate. If the credit amount exceeds the tax due, then a refund for the excess amount may be claimed.

For information concerning qualifications for the credit, contact the

Maryland Energy Administration
60 West St., Suite 300
Annapolis, MD 21401
410-260-7655

Note: A copy of the certification by the Maryland Energy Administration must be included with Form 500CR.

## PART O - MARYLAND-MINED COAL TAX CREDIT

A credit is allowed for a qualified cogenerator, small power producer or an electricity supplier (as defined under §1-101 of the Public Utilities Article) for the purchase of Maryland-mined coal. An electricity supplier may not have been a public utility before July 1, 1999. A cogenerator or an electricity supplier must not be subject to the public service company franchise tax.

The credit is $3 for each ton of Maryland-mined coal purchased in the current tax year.

The amount of this credit must be certified by the State Department of Assessments and Taxation.

For further information contact:

State Department of Assessments and Taxation
301 W. Preston Street
Baltimore, MD 21201-2395
410-767-1940
taxcredits@dat.state.md.us

Note: A copy of the certification by the State Department of Assessments and Taxation must be included with Form 500CR.

**PART P - ONE MARYLAND ECONOMIC DEVELOPMENT TAX CREDIT**

**General requirements** Credits may be claimed for eligible project costs and for eligible start-up costs incurred to establish, relocate or expand a business facility in a distressed Maryland county. In order to qualify for the credit for project costs, a minimum of $500,000 must be spent on eligible project costs. **At least 25 newly hired qualified employees must be employed for at least one year at the new or expanded facility.** This credit may also be claimed by tax-exempt nonprofit organizations.

If claiming a credit for multiple projects, complete a separate Part P for each project.

For information on distressed counties, qualified employees, eligible costs, and other requirements businesses must satisfy to qualify for credit, contact:

Maryland Department of Business and Economic Development
401 E. Pratt St.
Baltimore, MD 21202
410-767-6438 or 410-767-4980
taxincentives@choosemaryland.com

Pass-through entities (PTEs), filing Maryland Form 510, with eligible project costs and eligible start-up costs must follow the additional instructions following Part P – IV Summary.

**NOTE**. For tax years beginning before January 1, 2011, a qualified business entity may carry over excess tax credit to a succeeding tax year if during the succeeding tax year, the qualified business entity continues to employ at least 25 qualified employees at the project. For taxable years beginning after December 31, 2010, a qualified business entity, which has been certified for the tax credit, may claim a prorated share of this credit, if: (1) the number of qualified positions falls below 25, but does not fall below 10, and (2) the qualified business entity has maintained at least 25 qualified positions for at least five years.

**PART P - I CALCULATION OF TAXABLE INCOME, WITHHOLDING, QUALIFIED EMPLOYEES AND TAX LIABILITY**

**NOTE**: Part P-I has two columns. Column 1 is used by all qualified business entities, except PTE members. Column 2 is used by PTE members only and should reflect a member's allocable or pro-rata share of the reported items, except lines 4a through 4d (see the instructions below for Part P-I, Section A). **PTEs complete only Sections A and C of Part P-I. Read the Special Instructions For Qualified Entities That Are Pass-Through Entities.**

**PTE members must read the Special Instructions For Members Of Qualified Business Entities That Are Pass-Through Entities BEFORE completing PART P-I.**

**Section A** This section is used to separate the qualified business entity's Maryland taxable income from the project (the "project taxable income") from the Maryland taxable income not associated with the project (the "non-project taxable income"). Project taxable income is the income generated by or arising out of the eligible economic development project.

To calculate the project taxable income, proceed as follows: (1) If the project is a totally separate facility, then project income is figured by using separate accounting, reflecting only the gross income, deductions, expenses, gains, and losses that are directly attributable to the facility and overhead expenses apportioned to the facility. (2) If the project is an expansion to a previously existing facility, then figure net income attributable to the entire facility by using separate accounting reflecting only the gross income, deductions, expenses, gains, and losses directly attributable to the facility and overhead expenses apportioned to the facility and net income attributable to the project. Next, figure the project income by apportioning the entire facility income to the project. Or, (3) if separate accounting method is shown to be not practicable, use an alternate method approved by the Comptroller of Maryland or the Maryland Department of Business and Economic Development.

Enter on line 4a the number of qualified employees (this number is not allocated or pro-rated; a PTE would report this same number on Form 510 Schedule K-1s to all PTE members). A qualified employee is an employee filling a qualified position. Generally, this is a position that is full-time and of indefinite duration, is paid at least 150% of the federal minimum wage, is located in a qualified distressed Maryland county, and is newly created as a result of the establishment of a business facility.

If line 4a is less than 10, do not continue further. You are not eligible to claim the tax credit for this year.

Enter a "Y" or an "N" to the question on line 4b of whether or not the qualified business entity had maintained at least 25 qualified positions for at least five years. If the answer is "N" **AND** the number on line 4a is less than 25, a credit may not be claimed for this year.

Enter on line 4c the tax year the project was put into service.

Calculate the prorate factor on line 4d. If line 4a is greater than or equal to 25, this should be equal to 1.000000.

A PTE will report the same numbers and information that appears on lines 4a through 4d of its Form 500CR on its members Form 510, Schedule K-1. Do not report the distributive share of this information on the K-1.

Enter on line 5 the amount of Maryland income tax the qualified business entity was required to withhold during this tax year from the wages of qualified employees under § 10-908 of the Tax-General Article.

**Section B** This section is used to calculate the qualified business entity's total state tax liability, and to separate the state tax liability on project taxable income (the amount computed on Section A, line 2) and the state tax liability on non-project taxable income (the amount on Section A, line 3).

This section also reflects the application of the prorate factor to the tax liabilities computed on line 7a and 8a, when a qualified business entity has between 10 and 24 employees, but has had at least 25 qualified employees for at least five years since they have been eligible for this tax credit.

PTEs do not complete Section B but continue on Section C of Part P-I.

**Section C** Enter on line 9 the total eligible project costs for the eligible economic development project. Eligible project costs are the costs and expenses that a qualified business entity incurs to acquire, construct, rehabilitate, install, or equip the eligible economic development project. The total eligible project costs must be at least $500,000, but not to exceed $5,000,000.

Enter on line 11 the total eligible start-up costs to establish or expand a business facility in a qualified distressed county. The total amount of eligible start-up costs cannot exceed $500,000. Eligible start-up costs are costs to furnish and equip a new or expanding location for ordinary business functions and those expenses for moving costs, separation costs, and any other expenses directly related to a move from an existing non-Maryland location to a location in a qualified distressed Maryland county.

Enter on line 13 the number of qualified employees employed at the new or expanded business facility (from PART P-I, line 4a) multiplied by $10,000.

PTEs stop here. PTEs do not complete the remainder of Part P.

**PART P - II CREDITS AGAINST TAX LIABILITY AND TAX ON INCOME FROM THE PROJECT**

Beginning with Part P-II, the computation returns to one column and is used by all taxpayers eligible to claim this credit except for PTEs.

Part P-II is used to calculate the credits that can be claimed for the project credit and the start-up credit during nonrefundable tax years for the One Maryland Economic Development Tax Credit.

The nonrefundable tax years consist of the initial tax year and any carryover years. During this period, these credits are limited up to a certain amount of the entity's state tax liability.

A carryover credit may be claimed for the project tax credit against the state income tax on the project taxable income until the earlier of the full amount of excess eligible project costs is used, or until the 14th tax year following the tax year in which the eligible economic project is placed in service. A carryover credit may be claimed for the start-up tax credit against state income tax until the earlier of the full amount of the excess eligible startup costs, or until the 14th tax year following the tax year in which the entity locates in a qualified distressed county.

Part P-II is also used to calculate a certain nonrefundable portion of the project credit and the nonrefundable start-up credit that may be claimed during the tax years when these credits also may have refundable portions.

**Section A - Project Costs Tax Credit**

On line 14 enter the sum of the amount of the project credits allowed for the eligible project costs in the initial tax year (the first tax year in which this credit was claimed), prior carryover tax years, and any refundable tax year amounts.

The amount on line 15 is the amount of remaining excess eligible project costs that are available to be claimed by the qualified business entity as a project credit for this tax year. The project credit that may be claimed in Part P-II is limited up to the amount of your Maryland tax liability on the project taxable income.

Enter on line 16 the amount of the Maryland liability attributable to income from the project (line 7b). Line 17, the lesser of line 15 or line 16, is the "Credit against tax on income from the project."

**Section B - Start-up Costs Tax Credit**

On line 18 enter the sum of the amount of the start-up credits allowed in the initial tax year, prior carryover tax years, and any refunds (these are the amounts claimed as refunds for the start-up credit during the tax years when this credit becomes a refundable credit). The amount calculated on line 19 is the excess amount available to be claimed by the qualified business entity as a start-up credit.

The start-up credit is equal to the lesser of the amount on line 19 or line 13 (qualified employees multiplied by $10,000). The start-up credit that may be claimed in Part P-II is limited to the qualified business entity's Maryland tax liability. If a project credit was claimed in Part P-II, then the amount of the start-up credit on line 22 is limited to the remaining Maryland state tax liability after taking the nonrefundable project credit (line 21).

**PART P - III REFUNDABLE ONE MARYLAND ECONOMIC DEVELOPMENT TAX CREDIT**

Generally, at any time after the 4th tax year following the tax year after the project was placed in service, the business may apply the excess to the entity's total Maryland state income tax liability and may request a refund of any excess credit.

The refundable years include any tax year after the 4th tax year following the tax year in which the project is placed in service, for the project credit, or in which the business locates to a qualified distressed Maryland county for the start-up credit but must be before the 15th tax year following the tax year in which for the project credit the project is placed in service or in which for the start-up credit the business locates to a qualified distressed county.

If the majority of the qualified positions are paid at least 250% of the federal minimum wage, then the refundable years will begin after the 2nd tax year rather than the 4th tax year.

**Section A - Project Costs** The refundable portion of the project credit for the tax year is calculated after the nonrefundable portions of the credit are claimed. The refundable portion is calculated by subtracting the amount allowed as the nonrefundable portion of this credit (PART P-II, line 17) claimed for this tax year from the remaining available project credit amount (PART P-II, line 15).

This amount is the remaining excess eligible project costs for the eligible economic development project.

This project credit amount is applied against the remaining, available state tax liability. This section is used to calculate the portion of the nonrefundable tax credit that is allowed against the State tax on non-project taxable income during the refundable tax years of the One Maryland Economic Development Tax Credit.

The tentative refund is the amount, if any, by which any unused excess project credit amount exceeds the state tax liability. The refundable portion is limited to the amount of Maryland income tax withheld during this tax year from the wages of qualified employees (line 5).

**Section B - Start-up Costs** The refundable portion of the startup credit is calculated after the nonrefundable portion of this credit is claimed. The tentative refund is the amount of the remaining excess start-up credit. The refundable portion of the start-up credit is limited to the amount of Maryland income tax withheld during this tax year from the wages of qualified employees (line 5).

**PART P - IV SUMMARY**

Complete the summary of credit amounts claimed for the project credits and start-up credit for the One Maryland Economic Development Tax Credit.

Enter on line 35 the nonrefundable portions of the project and start-up costs credits from lines 33 and 34. This is the total nonrefundable One Maryland Economic Development Tax Credit.

This amount should also be entered on line 16 of Part W.

Add lines 36 and 37 and enter this amount on line 38. This is the total refundable One Maryland Economic Development Tax Credit.

This amount should also be entered on line 1 of Part Y.

**NOTE**: A copy of the final credit certification from the Department of Business and Economic Development must be included with Form 500CR.

**SPECIAL INSTRUCTIONS FOR QUALIFIED BUSINESS ENTITIES THAT ARE PASS-THROUGH ENTITIES (PTEs)**

A qualified business entity that is a PTE (partnership, LLC, S corporation, or business trust) must attach Form 500CR to the PTE income tax return, Form 510.

PTEs must provide the following information on Form 500CR if they are eligible for the One Maryland Economic Development Tax Credit: (1) Maryland taxable income; (2) Maryland taxable income from the project; (3) non-project taxable income; (4) number of qualified employees; (5) if the number of employees is less than 25 employees, a PTE must state whether of not the qualified business entity had 25 filled qualified positions for at least five years from the time they have been eligible or the credit; (6) the Tax Year the project was out into service; (7) amount of Maryland income tax required to be withheld from these qualified employees; (8) total eligible project costs; (9) $5,000,000 maximum; (10) total eligible start-up costs; (11) $500,000 maximum. Therefore, a PTE must complete Sections A and C of Part P-I.

The allocable or pro-rata portion of these items must be furnished to each member of the PTE on the member's respective Schedule K-1. The PTE must also indicate on the Schedule K-1 whether or not the PTE is a qualified business entity which would be entitled to pass on a refundable credit or whether the credit is nonrefundable only. The PTE must provide a copy of the final certification to each member.

**SPECIAL INSTRUCTIONS FOR MEMBERS OF QUALIFIED BUSINESS ENTITIES THAT ARE PASS-THROUGH ENTITIES**

Based on the PTE Schedule K-1, a member may then file the applicable Maryland income tax return, attaching Form 500CR, to claim the One Maryland Economic Development Tax Credit. The member should complete PART P of Form 500CR in its entirety to compute the credit amounts and claim any of the credits allowed for the tax year. For the sections in Part P-I, the member would complete Column 2 only.

The PTE member (the member of the qualified business entity) must limit the amounts claimed for the project credit and startup credit to the allocable or pro-rata portion of the PTE's taxable income as reported on Schedule K-1.

The PTE member computes the tax on the member's share of the PTE's Maryland taxable income (line 1) using the highest rate actually used on the member's return and enter the result on line 6. The PTE member will then enter on line 7 that portion of line 6 which is attributable to the member's share of project taxable income. The tax on non-project income on line 8a is calculated by taking the tax calculated on line 7a, prorating it further on line 7b, and then subtracting line 7a from line 6; if the amount on line 8a is less than zero, enter zero. Line 8a is also further prorated by the factor on line 4b, to arrive at line 8b.

All amounts entered in Section C of Part P-I, should reflect the PTE member's share of items as reported on the Schedule K-1.

For Parts P-II, P-III, and P-IV, the PTE member should follow the preceding instructions for the respective parts.

NOTE: The member must attach a copy of the PTE's final credit certification to claim the credit.

**PART Q - GREEN BUILDING TAX CREDIT**

A credit is available for the construction or rehabilitation of a building that conforms to specific standards intended to save energy and to mitigate environmental impact. The total amount of the credits certified for all taxpayers each year (calendar years 2003 through 2011) is limited. Credits are allowed for amounts spent on or after July 1, 2001.

The newly constructed or rehabilitated building must be located in a priority funding area or qualified "brownfields" site. If a rehabilitated building is not located in these areas, the building's square footage may not increase by more than 25%.

A copy of the initial credit certificate and a copy of an eligibility certificate issued by an architect or engineer must be included with the Form 500CR. The final certificate that will certify the maximum amount of credit available and the tax year it may be taken will provide satisfactory evidence that the taxpayer is entitled to the credit and must also be submitted.

For additional information, contact:
Maryland Energy Administration
60 West St., Suite 300
Annapolis MD 21401
410-260-7655
meainfo@energy.state.md.us

**PART R - BIO-HEATING OIL TAX CREDIT**

An individual or corporation may claim a credit against the State income tax in an amount equal to 3¢ per gallon of bio-heating oil purchased for space or water heating. The credit may not exceed $500. Any unused credit amount for the taxable year may not be carried forward to any other taxable year.

To claim the credit, an individual or corporation shall apply with the Maryland Energy Administration (MEA) for an initial credit certificate for the number of gallons of bio-heating oil purchased for space or water heating.

No credit may be earned for any tax year beginning on or after January 1, 2013.

For additional information, contact:
Maryland Energy Administration
60 West St., Suite 300
Annapolis, MD 21401
410-260-7655
meainfo@energy.state.md.us

Note: A copy of the certification by the Maryland Energy Administration must be included with Form 500CR.

**PART S - CELLULOSIC ETHANOL TECHNOLOGY RESEARCH AND DEVELOPMENT TAX CREDIT**

An individual or corporation may claim a credit against the State income tax in an amount equal to 10% of the qualified research and development (R&D) expenses paid or incurred by the individual or corporation during the taxable year. By September 15 of the calendar year following the end of the taxable year in which the expenses were paid or incurred, an individual or corporation shall submit an application to the Department of Business and Economic Development (DBED) for the credit allowed; by December 15 of the same calendar year, DBED shall certify to the individual or corporation the amount of the tax credit approved. The total amount of credits approved by DBED for any calendar year may not exceed $250,000.

To claim the approved credit, an individual or corporation shall file an amended income tax return for the taxable year in which the qualified R&D expenses were paid or incurred. The individual or corporation must attach a copy of the DBED certification of the approved credit amount to the amended income tax return. Any credit in excess of the State income tax may be carried forward to succeeding taxable years until the earlier of the full amount of the excess is used, or the expiration of the 15th taxable year after the taxable year in which the qualified R&D expenses were paid or incurred.

Whenever this credit is claimed against the income tax, an addition modification must be made in the amount of the credit claimed.

No credits may be earned for any tax year beginning on or after January 1, 2017.

For more information, contact:

Maryland Department of Business and Economic Development
401 E. Pratt St.
Baltimore, MD 21202
410-767-4980
taxincentives@choosemaryland.org

**PART T - JOB CREATION AND RECOVERY TAX CREDIT**

**General Requirements**: The Job Creation & Recovery Tax Credit has expired. This credit was available to employers who hired qualified employees on or after March 25, 2010 but before January 1, 2011. The credit was available for those employees hired and for the first 12 months of employment. See 2011 instructions for more information.

This credit may still be available on the 2012 Form 500CR for members of pass-through entities(PTE) with a fiscal year beginning in 2011 and ending in 2012, if there was an amount of the original credit due to the qualified employees first 12 months of employment expiring in the PTE's 2011 fiscal year.

If a taxpayer with a 2012 Tax Year has received the PTE's Fiscal Year 2011 Maryland K-1 during Tax Year 2012, the PTE member may claim the distributive or pro rata share of the credit that is reported on the Maryland Schedule K-1.

This credit will only be allowed to the PTE member, if the PTE had completed and filed the Maryland Form 500CR, submitted the required certifications, and had no existing liability to Maryland and this amount had not been previously claimed.

**PART U - FILM PRODUCTION EMPLOYMENT TAX CREDIT**

A qualified film production entity may claim a credit against the state income tax for film production activities in the state in an amount equal to the amount stated in the final tax credit certificate approved by the Department of Business and Economic Development (DBED). If the tax credit allowed exceeds the total tax otherwise payable by the qualified film production entity for that taxable year, the qualified film production entity may claim a refund in the amount of the excess.

To claim the credit, before beginning a film production activity, a qualified film production entity shall apply with DBED for an Initial credit certificate for the estimated production costs The credit claimed cannot exceed the amount stated In the final certificate. No credit may be earned for any fiscal year beginning on or after July 1, 2014.

For additional information, contact:

Jack Gerbes, Director
Maryland Film Office
Maryland Department of Business and Economic Development
401 E Pratt Street, 14th Floor
Baltimore, MD 21202
410-767-6343
jack@marylandfilm.org

NOTE: A copy of the certification by DBED must be included with form 500CR.

**PART V - ELECTRIC VEHICLE RECHARGING EQUIPMENT TAX CREDIT**

An individual or corporation may claim a credit against the state income tax in an amount equal to 20 percent of the cost of any qualified electric vehicle recharging equipment placed in service by the taxpayer during the tax year. The credit may not exceed $400 for each individual recharging system or the state income tax for the taxable year. Any unused credit amount for the taxable year may not be carried forward to any other taxable year.

To claim the credit, an individual or corporation shall apply with the Maryland Energy Administration (MEA) for initial credit certificate for the number of individual recharging systems. No credit may be earned for any tax year beginning on or after January 1, 2014.

For additional information, contact:

Maryland Energy Administration
60 West Street, Suite 300
Annapolis, MD 21401
410-260-7655

NOTE: A copy of the certification(s) by Maryland Energy Administration must be included with form 500CR.

**PART W - BUSINESS TAX CREDIT SUMMARY**

This part is to summarize all available tax credits reported on this form. If the total credits available in a particular tax year exceed the tax developed for that year, the excess may not be refunded. An addition to income is required for credits from Parts A, C, G, K and S.

**PART X - EXCESS CREDIT CARRYOVER CALCULATION**

Most credits may not exceed the Maryland income tax liability, but may be carried forward for a specified number of successive tax years or until fully applied. It is your responsibility to maintain a record of credits for which you qualify, credits that have been taken in prior years, and the amount of each credit that may be carried forward. To assist you, the following table provides the number of years for which each credit may be carried forward.

**PART Y - REFUNDABLE BUSINESS INCOME TAX CREDITS**

Part Y is used to report the refundable portion of the One Maryland Economic Development Tax Credit from Part P, the Biotechnology Investment Incentive Tax Credit from Part L, the Clean Energy Incentive Tax Credit from Part N, the Job Creation and Recovery Tax Credit from Part T and the Film Production Employment Credit from Part U.

| Part | Credit | No carry-over | 5 years | 7 years | 10 years | 14 years | 15 years |
|---|---|---|---|---|---|---|---|
| A | Enterprise Zone Tax Credit | | X | | | | |
| B | RESERVED FOR FUTURE USE | | | | | | |
| C | Maryland Disability Employment Tax Credit | | X | | | | |
| D | Job Creation Tax Credit | | X | | | | |
| E | Community Investment Tax Credit | | X | | | | |
| F | Businesses That Create New Jobs Tax Credit | | X | | | | |
| G | Long-Term Employment of Qualified Ex-Felons Tax Credit | | X | | | | |
| H | Work-Based Learning Program Credit | | X | | | | |
| I | Employer-Provided Long-Term Care Insurance Tax Credit | | X | | | | |
| J | RESERVED FOR FUTURE USE | | | | | | |
| K | Research and Development Tax Credits* | | | X | | | |
| L | Biotechnology Investment Incentive Tax Credit | X | | | | | |
| M | Commuter Tax Credit | X | | | | | |
| N | Clean Energy Incentive Tax Credit | X | | | | | |
| O | Maryland-Mined Coal Tax Credit | X | | | | | |
| P | One Maryland Economic Development Tax Credit | | | | | X | |
| Q | Green Building Tax Credit | | | | X | | |
| R | Bio-Heating Oil Tax Credit | X | | | | | |
| S | Cellulosic Ethanol Technology Research & Development Tax Credit | | | | | | X |
| T | Job Creation and Recovery Tax Credit | X | | | | | |
| U | Film Production Employment Tax Credit | X | | | | | |
| V | Electric Vehicle Recharging Equipment Tax Credit | X | | | | | |

* The carryforward period for unused Research and Development Tax Credits from tax years prior to 2005 remains 15 years. The same credit cannot be applied against more than one type of tax by the same taxpayer.