

Department of Legislative Services
 Maryland General Assembly
 2002 Session

FISCAL NOTE
Revised

House Bill 698
 Ways and Means

(Delegate Shriver, *et al.*)

Budget and Taxation

Qualified Maryland Housing Tax Credit

This bill allows an individual or corporation a credit against the State income tax or the insurance premium tax for a qualified Maryland housing project that is located in a “community revitalization area,” and provides for the allocation of the aggregate available credit among qualified Maryland housing projects by the Secretary of Housing and Community Development. The bill limits the aggregate credits that may be authorized for any calendar year to the lesser of 50% of the federal low-income housing credits that are based on Maryland’s population or \$250,000. If the amount of credits applied for exceeds the maximum aggregate credit, the credit is required to be allocated on a pro-rated basis. Any unallocated or unused portion of the aggregate credits may be carried forward or backward to other taxable years. The Department of Housing and Community Development (DHCD) is authorized to adopt regulations to carry out the provisions of the bill.

The bill takes effect October 1, 2002, and applies to all taxable years beginning after December 31, 2002.

Fiscal Summary

State Effect: Total annual revenue loss of approximately \$250,000 beginning in FY 2004. The distribution of the loss between the general fund and the Transportation Trust Fund (TTF) depends upon the number of claims against the corporate income tax. A portion of the loss to the TTF will be passed through to local jurisdictions.

(in dollars)	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
GF Revenue	\$0	(\$250,000)	(\$250,000)	(\$250,000)	(\$250,000)
Expenditure	\$0	\$0	\$0	\$0	\$0
Net Effect	\$0	(\$250,000)	(\$250,000)	(\$250,000)	(\$250,000)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: To the extent that credits are taken by corporations, local revenues would decline as a portion of the corporate income tax is distributed to the TTF, from which a distribution to local governments is made.

Small Business Effect: Potential meaningful.

Analysis

Current Law: No State income tax credit of this type exists. However, there is a federal low-income housing tax credit available for low-income housing units in qualified low-income buildings in qualified low-income housing projects. A project must continue to meet the requirements for 15 years or the credit is subject to recapture.

The federal Consolidated Appropriations Act of 2001 increased the low-income housing cap under the federal Low-Income Housing Tax Credit program from \$1.25 to \$1.50 per capita in calendar 2001 and to \$1.75 in calendar 2002. Beginning in calendar 2003, the cap will be adjusted for inflation.

State Fiscal Effect: The aggregate amount of credit under the bill for a given tax year is equal to the lesser of 50% of the State housing credit ceiling (based on population) applicable to the State for the calendar year under the Internal Revenue Code (IRC) or \$250,000.

The following table illustrates Maryland population estimates provided by the Maryland Department of Planning, the per capita credit amount, and the resulting maximum aggregate credit for tax years 2003 through 2006, assuming that no amount is carried forward or recaptured.

<u>Year</u>	<u>Maryland Population</u>	<u>Federal Per-Capita Credit Amount¹</u>	<u>Federal State Housing Credit Ceiling</u>	<u>Maryland Aggregate Credit (50% of Federal)</u>
2003	5,392,626	\$1.85	\$9,976,358	\$4,988,179
2004	5,430,134	\$1.90	\$10,317,255	\$5,158,627
2005	5,467,125	\$1.95	\$10,660,894	\$5,330,447
2006	5,501,510	\$2.00	\$11,003,020	\$5,501,510

¹Assumes a 2.5% adjustment for inflation and a 1% increase in population.

Due to the limitation imposed by the bill, the maximum credit allowable each year may not exceed the lesser of 50% of the federal credit or \$250,000. Due to the fact that the estimated amount of federal credit exceeds \$250,000, revenues would decrease by \$250,000 annually beginning in fiscal 2004.

Credits taken on personal income tax returns will reduce general fund revenues in the amount of the credits. Because 75% of all corporate income tax revenues are distributed to the general fund and 25% are distributed to the TTF, credits taken on corporate income tax returns will reduce general fund revenues by 75% of the amount of the credits taken, and TTF revenues will be reduced by 25% of the credits taken. In addition, 30% of the 25% of revenue distributed to the TTF is distributed to local governments. Credits taken against the insurance premiums tax will reduce general fund revenues. At this time, the number of credits expected to be claimed on personal or corporate income tax returns cannot be reliably estimated.

The Office of the Comptroller advises that it would incur one-time computer programming costs of \$46,900 in fiscal 2004 to alter the data systems to accommodate the additional line on form 502CR. The Department of Legislative Services advises that since forms and instructions are updated annually, the costs for form changes resulting from this bill could be absorbed within existing resources.

Local Fiscal Effect: Local government revenues would decline as a result of corporate taxpayers claiming the credits proposed in the bill. As mentioned above, 75% of corporate tax revenues are distributed to the general fund, and 25% are distributed to the TTF. Of the 25% distributed to the TTF, approximately 30% are distributed to local jurisdictions.

Small Business Effect: Small businesses claiming the credit would reduce their State income tax liability. In addition, if the credit increases the construction of low-income housing, then small construction or related businesses could realize increased business.

Additional Information

Prior Introductions: A similar bill was introduced as HB 888 in the 2001 session and as HB 1014 in the 2000 session. Both bills received an unfavorable report by the House Ways and Means Committee.

Cross File: SB 770 (Senator Exum) is a similar bill - Budget and Taxation.

Information Source(s): Comptroller of the Treasury (Bureau of Revenue Estimates), Department of Housing and Community Development, Department of Legislative Services

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