

Frank M. O'Connell
State Revenue Commissioner



Georgia Department of Revenue
1800 Century Boulevard, NE | Atlanta, Georgia 30345

NOTICE IT-2023-2

RE: Proposal to amend Rule 560-7-8-.56 Historic Rehabilitation Tax Credit.

TO ALL INTERESTED PERSONS AND PARTIES:

In compliance with O.C.G.A. § 50-13-4, the Georgia Department of Revenue gives notice that it proposes to amend Rule 560-7-8-.56.

Attached to this notice are an exact copy and synopsis of the proposed Rule. The proposed Rule is being amended under the authority of O.C.G.A. §§ 48-2-12 and 48-7-29.8.

The Department of Revenue will consider the Amendment of the above Rule at a regulation hearing held at 1800 Century Boulevard, NE, Atlanta, GA 30345, Room L300, on May 1, 2023 at 11 a.m. All attendees will be required to sign in upon arrival.

The Department must receive all comments regarding the above-referenced Rule from interested persons and parties no later than 11 a.m. on May 1, 2023. Electronic comments must be sent to regcomments@dor.ga.gov. Facsimile comments must be sent to (770) 342-3157. **Please reference “Notice Number IT-2023-2” on all comments.**

Dated: 03/31/2023

A handwritten signature in blue ink that reads 'Frank M. O'Connell'. The signature is written in a cursive style and is positioned above a horizontal line.

Frank M. O'Connell
State Revenue Commissioner

SYNOPSIS

GEORGIA DEPARTMENT OF REVENUE INCOME TAX DIVISION

CHAPTER 560-7-8 RETURNS AND COLLECTIONS

560-7-8-.56 Historic Rehabilitation Tax Credit

The purpose of proposed amendment to Rule 560-7-8-.56 is to bring the rule into conformity with current Georgia law. This credit was amended by House Bill 469 from the 2021-2022 Session of the General Assembly. The following paragraphs have been changed, and the specific changes are denoted in the attached Rule.

- Paragraph (4) provides the total amount of preapproved credits per calendar year and the credit rules and limitations for historic homes.
- Paragraph (5) provides the total amount of preapproved credits for 2022 for historic homes and for certified structures other than historic homes earning \$300,000 in credits or less completed within 2022.
- Paragraph (6) provides the total amount of preapproved credits per calendar year and credit rules and limitations for certified structures other than historic homes.
- Paragraph (7) specifies the alternatives for claiming the credit for completed projects.
- Paragraph (8) specifies that rehabilitation expenditures can only be counted once.
- Paragraph (9) provides the sunset date.
- Paragraph (10) provides the effective date.

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**RULES
OF
DEPARTMENT OF REVENUE
INCOME TAX DIVISION**

**CHAPTER 560-7-8
RETURNS AND COLLECTIONS**

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560-7-8-.56 Historic Rehabilitation Tax Credit.

560-7-8-.56 Historic Rehabilitation Tax Credit.

(1) **Purpose.** This regulation provides guidance concerning the implementation and administration of the tax credits under O.C.G.A. § 48-7-29.8.

(2) **Coordination of Agencies.** The Georgia Department of Community Affairs is the state agency responsible for certifying that the rehabilitation meets the requirements of O.C.G.A. § 48-7-29.8.

(3) **Definitions.** As used in this regulation, the terms "certified rehabilitation", "certified structure", "historic home", "qualified rehabilitation expenditure", "substantial rehabilitation", and "target area" shall have the same meaning as in O.C.G.A. § 48-7-29.8. As used in this regulation, the terms "full-time employee" and "full-time permanent job" means a person who works a job that requires 30 or more hours per week.

(4) **Historic Rehabilitation Tax Credit for a Historic Home.** A taxpayer shall be allowed a tax credit equal to 25 percent of the

34 qualified rehabilitation expenditures for the certified rehabilitation
35 of a historic home in the taxable year in which the certified rehabil-
36 itation is placed in service; except that in the case of a historic
37 home located within a target area, an additional credit equal to 5
38 percent of the qualified rehabilitation expenditures shall be al-
39 lowed. ~~For historic homes completed on or after January 1, 2022,~~
40 ~~the credit must be preapproved as provided in paragraph (5) of this~~
41 ~~regulation.~~

42
43 (a) Credit cap. In no event shall the aggregate amount allowed
44 for historic homes exceed the maximum aggregate limit in para-
45 graph (5) for calendar year 2022 and \$5 million per year for calen-
46 dar years 2023 and 2024. No credit shall be issued for historic
47 homes completed on or after January 1, 2025.

48
49 ~~(a)~~(b) Credit limitation. The amount of historic rehabilitation
50 tax credit for a historic home shall not exceed \$100,000.00 in any
51 120-month period.

52
53 (c) Preapproval for Historic Homes. Any taxpayer seeking
54 preapproval to claim the historic rehabilitation tax credit for a his-
55 toric home completed on or after January 1, 2022 must electroni-
56 cally submit Form IT-RHC-AP and their precertification from the
57 Georgia Department of Community Affairs through the Georgia
58 Tax Center. The taxpayer must estimate their credit amounts on
59 Form IT-RHC-AP if the certified rehabilitation has not been com-
60 pleted. The amount of tax credit claimed on the taxpayer's applica-
61 ble Georgia income tax return must be based on the actual amount
62 of the qualified rehabilitation expenditures. If the taxpayer is pre-
63 approved for an amount that exceeds the amount that is calculated
64 using the actual amount of the qualified rehabilitation expenditures
65 when the return is filed, the excess preapproved amount cannot be
66 claimed by the taxpayer, nor shall the excess preapproved amount

67 be claimed by, reallocated to, assigned to, transferred to, or sold to
68 any other taxpayer. If the taxpayer is a disregarded entity, then
69 such information should be submitted in the name of the owner of
70 the disregarded entity.

71
72 (d) Notification. The Department will notify each taxpayer of
73 the tax credits preapproved and allocated to such taxpayer within
74 thirty (30) days from the date the fully completed Form IT-RHC-
75 AP and all required supporting documentation were submitted
76 through the Georgia Tax Center.

77
78 (e) Allocation of Tax Credit. For any taxpayer seeking preap-
79 proval to claim the tax credits for a historic home completed on or
80 after January 1, 2022, the Commissioner shall allow the tax credit
81 on a first-come, first-served basis. The date the fully completed
82 Form IT-RHC-AP is electronically submitted shall be used to de-
83 termine such first-come, first-served basis.

84
85 (f) Applications received on the day the maximum credit
86 amount is reached. In the event that the credit amounts on applica-
87 tions received by the Commissioner for historic homes completed
88 on or after January 1, 2022 exceed the maximum aggregate limit in
89 paragraphs (4) and (5) of this regulation, then the tax credits shall
90 be allocated among the taxpayers who submitted Form IT-RHC-
91 AP on the day the maximum aggregate limit was exceeded on a
92 pro rata basis based upon amounts otherwise allowed under
93 O.C.G.A. § 48-7-29.8 and this regulation. Such proration shall in-
94 clude all applications received on the day the maximum aggregate
95 limit was exceeded, regardless of whether it is for the credit cap
96 year at issue or for an earlier year where the credit cap has been
97 reached. Only credit amounts for applications received on the day
98 the maximum aggregate limit was exceeded will be allocated on a
99 pro rata basis.

100

101 (g) For historic homes, priority for prorated applications and
102 applications submitted after a calendar year cap is reached. Any
103 application for the 2022 calendar year credit that is prorated be-
104 cause the 2022 calendar year credit cap is reached and any applica-
105 tion for the 2022 calendar year credit that is submitted after the
106 2022 calendar year credit cap is reached shall not be approved for a
107 subsequent calendar year whose credit cap has not been reached
108 and shall not have priority over any applications with a later sub-
109 mission date. Any other application that is prorated because a cal-
110 endar-year credit cap is reached and any other application that is
111 submitted after a calendar-year credit cap is reached shall be ap-
112 proved for a subsequent calendar year whose credit cap has not
113 been reached and shall have priority over any applications with a
114 later submission date. In such cases, the taxpayer shall claim the
115 credit in the taxable year that begins in such subsequent preap-
116 proved calendar year or as provided in paragraph (7) of this regula-
117 tion. If the calendar-year credit cap for all subsequent calendar
118 years has been reached, then the application shall be denied.

119

120 1. Example: Taxpayer submits the electronic Form IT-RHC-AP
121 through the Georgia Tax Center on April 25, 2022 seeking preap-
122 proval to claim the 2022 historic rehabilitation tax credit for a his-
123 toric home. On April 25, 2022, the 2022 calendar-year credit cap
124 for historic homes was reached, and Taxpayer received an alloca-
125 tion of the 2022 historic rehabilitation tax credit on a pro rata basis.
126 Taxpayer's preapproval application will not be approved for a sub-
127 sequent calendar year and will not receive priority over applica-
128 tions with a later submission date.

129

130 2. Example: Taxpayer submits the electronic Form IT-RHC-AP
131 through the Georgia Tax Center in 2023 seeking preapproval to
132 claim the 2023 historic rehabilitation tax credit for a historic home.

133 On the day that Taxpayer submits Form IT-RHC-AP, the 2023 cal-
134 endar-year credit cap for historic homes was reached, and Taxpay-
135 er received an allocation of the 2023 historic rehabilitation tax
136 credit on a pro rata basis. Taxpayer's preapproval application will
137 be approved for the 2024 calendar year if the 2024 credit cap has
138 not been reached and will receive priority over applications with a
139 later submission date.

140

141 ~~(b)~~(h) Claiming the Historic Rehabilitation Tax Credit for a
142 Historic Home. For a taxpayer to claim the historic rehabilitation
143 tax credit for a historic home, the taxpayer must submit with the
144 taxpayer's Georgia income tax return Form IT-RHC, the property
145 tax bill for the year immediately before the beginning of the 24
146 month (or 60 month) period, the property tax bill for the year im-
147 mediately after the beginning of the 24 month (or 60 month) peri-
148 od, and their completed final certification from the Georgia De-
149 partment of Community Affairs.

150

151 (i) In the event it is determined that a taxpayer has not met all
152 the requirements of O.C.G.A. § 48-7-29.8 and this regulation, then
153 the credits shall not be approved or the approved credits shall be
154 retroactively denied. The taxpayer shall file amended returns for
155 the taxable year the credit was claimed, reducing the credit. With
156 respect to such denied credits, tax, interest, and penalties shall be
157 due if the credits have already been used by the taxpayer or have
158 been sold or transferred, regardless of whether the transferee has
159 used the credit or not.

160

161 ~~(e)~~(j) Carry Forward. Any unused historic rehabilitation tax
162 credit for a historic home may be carried forward for ten years af-
163 ter the close of the taxable year in which the certified rehabilitation
164 was completed.

165

166 ~~(d)~~(k) Sale of the Historic Home. Except as provided in sub-
167 paragraph (4)~~(e)~~(l) of this regulation, in the event a historic reha-
168 bilitation tax credit for a historic home is claimed and allowed to
169 the taxpayer, upon the sale or transfer of the historic home, the
170 taxpayer shall be authorized to transfer the remaining unused
171 amount of such historic rehabilitation tax credit ~~for a historic home~~
172 to the purchaser of such historic home. If a historic home for which
173 a certified rehabilitation has been completed by a nonprofit corpo-
174 ration is sold or transferred, the full amount of the credit to which
175 the nonprofit corporation would be entitled if taxable shall be
176 transferred to the purchaser or transferee at the time of the sale or
177 transfer.

178

179 1. Such purchaser shall be subject to the limitations of this par-
180 agraph and O.C.G.A. § 48-7-29.8, and shall file with the purchas-
181 er's tax return a copy of the final certification from the Georgia
182 Department of Community Affairs and a copy of the form evidenc-
183 ing the transfer of the tax credit.

184

185 2. Such purchaser shall be entitled to rely in good faith on the
186 information contained in and used in connection with obtaining the
187 final certification of the credit including, without limitation, the
188 amount of the qualified rehabilitation expenditures.

189

190 ~~(e)~~(l) Recapture of the Historic Rehabilitation Tax Credit for a
191 Historic Home. If an owner other than a nonprofit corporation sells
192 a historic home within three years of receiving the credit, the seller
193 shall recapture the credit to the Department as follows:

194

195 1. If the property is sold within one year of receiving the credit,
196 the recapture amount will equal the lesser of the credit or the net
197 profit of the sale;

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199 2. If the property is sold within two years of receiving the cred-
200 it, the recapture amount will equal the lesser of two-thirds of the
201 credit or the net profit of the sale; or

202

203 3. If the property is sold within three years of receiving the
204 credit, the recapture amount will equal the lesser of one-third of the
205 credit or the net profit of the sale.

206

207 ~~(f)(m)~~ Exception to Recapture Provision. The recapture provi-
208 sions in subparagraph (4)~~(e)~~(1) of this regulation shall not apply to
209 a sale resulting from the death of the owner.

210

211 **(5) Credit cap for 2022 for Historic Homes and for Any**
212 **Other Certified Structure earning \$300,000 or less.** In no event
213 shall the aggregate amount allowed for historic homes completed
214 on or after January 1, 2022 and any other certified structures earn-
215 ing \$300,000 or less, together, exceed \$5 million for calendar year
216 2022.

217

218 ~~(a) Preapproval for Historic Homes Completed on or after Jan-~~
219 ~~uary 1, 2022. Any taxpayer seeking preapproval to claim the his-~~
220 ~~toric rehabilitation tax credit for a historic home which is complet-~~
221 ~~ed on or after January 1, 2022 must electronically submit Form IT-~~
222 ~~RHC-AP, and their precertification from the Georgia Department~~
223 ~~of Community Affairs through the Georgia Tax Center. The tax-~~
224 ~~payer must estimate their credit amounts on Form IT RHC-AP if~~
225 ~~the certified rehabilitation has not been completed. The amount of~~
226 ~~tax credit claimed on the taxpayer's applicable Georgia income tax~~
227 ~~return must be based on the actual amount of the qualified rehabili-~~
228 ~~tation expenditures. If the taxpayer is preapproved for an amount~~
229 ~~that exceeds the amount that is calculated using the actual amount~~
230 ~~of the qualified rehabilitation expenditures when the return is filed,~~
231 ~~the excess preapproved amount cannot be claimed by the taxpayer,~~

232 nor shall the excess preapproved amount be claimed by, reallocat-
233 ed to, assigned to, or transferred or sold to any other taxpayer. If
234 the taxpayer is a disregarded entity, then such information should
235 be submitted in the name of the owner of the disregarded entity.

236

237 (b) ~~Preapproval for Any Other Certified Structure Earning~~
238 ~~\$300,000 or less. Any taxpayer seeking preapproval to claim the~~
239 ~~historic rehabilitation tax credit for any other certified structure~~
240 ~~earning \$300,000 or less completed on or after January 1, 2022~~
241 ~~must request preapproval by submitting the electronic Form IT-~~
242 ~~RHC AP through the Georgia Tax Center, including the infor-~~
243 ~~mation required by subparagraph (6)(f)1. of this regulation, and~~
244 ~~their precertification from Department of Community Affairs; pro-~~
245 ~~vided, however, a project that was expected to be completed in~~
246 ~~2021 or before and which has a preapproval for such year, is not~~
247 ~~required to request another preapproval but must complete the pro-~~
248 ~~ject within the two year period of and as provided in paragraph (7)~~
249 ~~of this regulation. The taxpayer must estimate their credit amounts~~
250 ~~on Form IT RHC AP if the certified rehabilitation has not been~~
251 ~~completed. The amount of tax credit claimed on the taxpayer's ap-~~
252 ~~plicable Georgia income tax return must be based on the actual~~
253 ~~amount of the qualified rehabilitation expenditures. If the taxpayer~~
254 ~~is preapproved for an amount that exceeds the amount that is cal-~~
255 ~~culated using the actual amount of the qualified rehabilitation ex-~~
256 ~~penditures when the return is filed, the excess preapproved amount~~
257 ~~cannot be claimed by the taxpayer, nor shall the excess preap-~~
258 ~~proved amount be claimed by, reallocated to, assigned to, or trans-~~
259 ~~ferred or sold to any other taxpayer. If the taxpayer is a disregarded~~
260 ~~entity then such information should be submitted in the name of~~
261 ~~the owner of the disregarded entity.~~

262

263 (c) ~~Notification. The Department will notify each taxpayer of~~
264 ~~the tax credits preapproved and allocated to such taxpayer within~~

265 ~~thirty (30) days from the date the fully completed Form IT-RHC-~~
266 ~~AP and all required supporting documentation was submitted~~
267 ~~through the Georgia Tax Center.~~

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269 ~~(d) Allocation of Tax Credit. The Commissioner shall allow~~
270 ~~the tax credit under paragraph (5) of this regulation on a first-~~
271 ~~come, first-served basis. The date the fully completed Form IT-~~
272 ~~RHC-AP is electronically submitted shall be used to determine~~
273 ~~such first come, first served basis.~~

274

275 ~~(e) Applications received on the day the maximum credit~~
276 ~~amount is reached. In the event that the credit amounts on applica-~~
277 ~~tions received by the Commissioner, for historic homes completed~~
278 ~~on or after January 1, 2022 and for any other certified structure~~
279 ~~earning \$300,000 or less completed on or after January 1, 2022,~~
280 ~~exceed the maximum aggregate limit in paragraph (5) of this regu-~~
281 ~~lation, then the tax credits shall be allocated among the taxpayers~~
282 ~~who submitted Form IT-RHC-AP on the day the maximum aggre-~~
283 ~~gate limit was exceeded on a pro rata basis based upon amounts~~
284 ~~otherwise allowed under O.C.G.A. § 48-7-29.8 and this regulation.~~
285 ~~Only credit amounts on applications received on the day the max-~~
286 ~~imum aggregate limit was exceeded will be allocated on a pro rata~~
287 ~~basis.~~

288

289 ~~(f) In the event it is determined that the taxpayer has not met all~~
290 ~~the requirements of O.C.G.A. § 48-7-29.8 and this regulation, then~~
291 ~~the amount of credits shall not be approved or the approved credits~~
292 ~~shall be retroactively denied. The taxpayer shall file amended re-~~
293 ~~turns for the taxable year the credit was claimed reducing the cred-~~
294 ~~it. With respect to such denied credits, tax, interest, and penalties~~
295 ~~shall be due if the credits have already been used by the taxpayer~~
296 ~~or have been sold or transferred regardless of whether the transfer-~~
297 ~~ee has used the credit or not.~~

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(6) **Historic Rehabilitation Tax Credit for Any Other Certified Structure.** A taxpayer shall be allowed a tax credit equal to 25 percent of the qualified rehabilitation expenditures for the certified rehabilitation of any other certified structure, other than a historic home, in the taxable year in which the certified rehabilitation is placed in service, except as provided in subparagraph (6)(j) of this regulation and paragraph (7) of this regulation.

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(a) Credit limitations. For certified rehabilitations completed before January 1, 2017, the historic rehabilitation tax credit for any other certified structure shall not exceed \$300,000 in any 120-month period.

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(b) For certified rehabilitations completed on or after January 1, 2017, the maximum credit for any other individual certified structure shall be \$5 million per taxable year; except that in the case of a project that creates 200 or more full-time permanent jobs or \$5 million in annual payroll within two years of the placed in service date, the maximum credit amount is \$10 million for any other individual certified structure. For purposes of this regulation, a full-time permanent job means a person who works a job that requires 30 or more hours per week.

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(c) For certified rehabilitations completed on or after January 1, 2017, in no event shall more than one application for any individual certified structure be approved in any 120-month period, but a taxpayer is allowed to submit an additional ~~preapproval application~~, electronic Form IT-RHC-AP if it is the same project. Such additional ~~preapproval application~~, electronic Form IT-RHC-AP, is subject to the requirements of this regulation and shall not be given priority over applications with an application date that is earlier than the additional preapproval application date.

331

332 (d) Credit Carry Forward. For certified rehabilitations com-
333 pleted before January 1, 2017, any unused historic rehabilitation
334 tax credit for any other certified structure may be carried forward
335 for ten years after the close of the taxable year in which the certi-
336 fied rehabilitation was completed. For certified rehabilitations
337 completed on or after January 1, 2017, no unused historic rehabili-
338 tation tax credit for any other certified structure shall be allowed to
339 the taxpayer or the transferee against succeeding years' tax liabil-
340 ity.

341

342 (e) Credit cap for any other certified structure ~~earning more~~
343 ~~than \$300,000 in historic rehabilitation tax credits.~~ For certified
344 rehabilitations completed on or after January 1, 2017, in no event
345 shall historic rehabilitation tax credits for any other certified struc-
346 ture earning more than \$300,000 in historic rehabilitation tax cred-
347 its under subparagraph (6)(b) of this regulation, exceed \$25 million
348 per calendar year for calendar years ending on or before December
349 31, 2022. For calendar year 2022, in no event shall historic rehabil-
350 itation tax credits for any other certified structure earning \$300,000
351 or less in historic rehabilitation tax credits exceed the maximum
352 aggregate limit in paragraph (5). For calendar years beginning on
353 or after January 1, 2023, and ending on or before December 31,
354 2027, in no event shall historic rehabilitation tax credits issued for
355 any other certified structure other than a historic home, regardless
356 of the amount of credits earned, exceed \$30 million per calendar
357 year.

358

359 (f) Preapproval. For certified rehabilitations earning \$300,000
360 or less that were completed on or after January 1, 2022 and for all
361 other certified rehabilitations completed on or after January 1,
362 2017, any taxpayer seeking preapproval to claim the tax credits, ~~for~~
363 ~~any other certified structure that is not subject to paragraph (5) of~~

364 ~~this regulation,~~ must electronically submit Form IT-RHC-AP, in-
365 cluding the information required by subparagraph (6)(f)1. of this
366 regulation, and their precertification from the Georgia Department
367 of Community Affairs through the Georgia Tax Center. For a certi-
368 fied rehabilitation earning \$300,000 or less that was expected to be
369 completed in 2021 or before and that has preapproval for such
370 year, the taxpayer is not required to request another preapproval
371 but must complete the project within the two-year period as pro-
372 vided in paragraph (7) of this regulation. The taxpayer must esti-
373 mate their credit amounts on Form IT-RHC-AP if the certified re-
374 habilitation has not been completed. The amount of tax credit
375 claimed on the taxpayer's applicable Georgia income tax return
376 must be based on the actual amount of the qualified rehabilitation
377 expenditures. If the taxpayer is preapproved for an amount that ex-
378 ceeds the amount that is calculated using the actual amount of the
379 qualified rehabilitation expenditures when the return is filed, the
380 excess preapproved amount cannot be claimed by the taxpayer, nor
381 shall the excess preapproved amount be claimed by, reallocated to,
382 assigned to, ~~or~~ transferred to, or sold to any other taxpayer. If the
383 taxpayer is a disregarded entity, then such information should be
384 submitted in the name of the owner of the disregarded entity.

385
386 1. The following information must be submitted with Form IT-
387 RHC-AP:

388
389 (i) Documentation to show one of the following:

390
391 (I) If the certified structure was purchased by the applicant, a
392 copy of the warranty deed indicating the applicant as the owner of
393 the property; or

394
395 (II) If the certified structure is leased by the applicant, docu-
396 mentation showing that the applicant leases the property and show-

397 ing that the qualified rehabilitation expenditures would not be dis-
398 qualified by Internal Revenue Code Section 47(c)(2)(B), which
399 disallows expenditures, if, on the date the rehabilitation is com-
400 pleted, the remaining term of the lease is less than the building's
401 recovery period. This documentation must include a copy of the
402 lease and documentation showing whether the property is residen-
403 tial rental property with a recovery period of 27.5 years or nonresi-
404 dential real property with a recovery period of 39 years;

405

406 (ii) The ownership ~~and or~~ and/or membership of the applicant
407 entity. This documentation must include information regarding
408 each owner or member of the applicant; and, if any owner or mem-
409 ber is itself a pass-through entity, information regarding its owner-
410 ship ~~and or~~ and/or membership. Such information must include the
411 name, federal identification number, ownership percentage, wheth-
412 er or not they are a tax-exempt entity, and whether they control the
413 applicant entity;

414

415 (iii) Which entities or members of a pass-through entity intend
416 to claim the credit and in what percentage(s);

417

418 (iv) The percentage of the subject property that will be used for
419 non-profit purposes, if any;

420

421 (v) Whether the applicant or another entity intends to sublease
422 the property to other entities ~~and~~, which entities they intend to sub-
423 lease to, and if such entities are tax-exempt entities;

424

425 (vi) If the property is being leased, whether or not the owner of
426 the property is a tax-exempt entity;

427

428 (vii) Whether or not the project qualifies for the Federal Reha-
429 bilitation Credit allowed under Internal Revenue Code Section 47;

430 and

431

432 (viii) Any other information requested by the Department.

433

434 (g) Notification. ~~For any taxpayer seeking preapproval to~~
435 ~~claim the tax credits for any other certified structure that is not sub-~~
436 ~~ject to paragraph (5) of this regulation, t~~The Department will notify
437 each taxpayer of the tax credits preapproved and allocated to such
438 taxpayer, within thirty (30) days from the date the fully completed
439 Form IT-RHC-AP and all required supporting documentation
440 was~~were~~ submitted through the Georgia Tax Center.

441

442 (h) Allocation of Tax Credit. For any taxpayer seeking preap-
443 proval to claim the tax credits for any other certified structure ~~that~~
444 ~~is not subject to paragraph (5) of this regulation,~~ the Commissioner
445 shall allow the tax credit on a first-come, first-served basis. The
446 date the fully completed Form IT-RHC-AP is electronically sub-
447 mitted shall be used to determine such first-come, first-served ba-
448 sis.

449

450 (i) Applications received on the day the maximum credit
451 amount is reached for any other certified structure ~~earning more~~
452 ~~than \$300,000 in historic rehabilitation tax credits.~~ In the event
453 that the credit amounts on applications received by the Commis-
454 sioner exceed the maximum aggregate limit in subparagraph (6)(e)
455 of this regulation, then the tax credits shall be allocated among the
456 taxpayers who submitted Form IT-RHC-AP on the day the maxi-
457 mum aggregate limit was exceeded on a pro rata basis based upon
458 amounts otherwise allowed under O.C.G.A. § 48-7-29.8 and this
459 regulation. Such proration shall include all applications received
460 on the day the maximum aggregate limit was exceeded, regardless
461 of whether it is for the credit cap year at issue or for an earlier year
462 where the credit cap has been reached. Only credit amounts ~~on~~for

463 applications received on the day the maximum aggregate limit was
464 exceeded will be allocated on a pro rata basis.

465

466 (j) For any other certified structure ~~earning more than \$300,000~~
467 ~~in historic rehabilitation tax credits~~, priority for pro-rated applica-
468 tions and applications submitted after a calendar year cap is
469 reached. Any application for the 2022 calendar year credit that is
470 prorated because the 2022 calendar year credit cap is reached and
471 any application for the 2022 calendar year credit that is submitted
472 after the 2022 calendar year credit cap is reached shall not be ap-
473 proved for a subsequent calendar year whose credit cap has not
474 been reached and shall not have priority over any applications with
475 a later submission date. Any other application that is prorated be-
476 cause a calendar-year credit cap is reached and any application that
477 is submitted after a calendar-year credit cap is reached shall be ap-
478 proved for a subsequent calendar year whose credit cap has not
479 been reached, and shall have priority over any applications with a
480 later submission date. In such cases, the taxpayer shall claim
481 the credit in the taxable year that begins in such subsequent preap-
482 proved calendar year or as provided in paragraph (7) of this regula-
483 tion. If the calendar-year credit cap for all subsequent calendar
484 years has been reached, then the application shall be denied.

485

486 1. Example: Taxpayer submits the electronic Form IT-RHC-AP
487 through the Georgia Tax Center on January 4, 2022 seeking preap-
488 proval to claim the 2022 historic rehabilitation tax credit for a cer-
489 tified structure other than a historic home. On January 4, 2022, the
490 2022 calendar year credit cap for certified structures other than his-
491 toric homes was reached, and Taxpayer received an allocation of
492 the 2022 historic rehabilitation tax credit on a pro rata basis. Tax-
493 payer's preapproval application will not be approved for a subse-
494 quent calendar year and will not receive priority over applications
495 with a later submission date.

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2. Example: Taxpayer submits the electronic Form IT-RHC-AP through the Georgia Tax Center in 2023 seeking preapproval to claim the 2023 historic rehabilitation tax credit for a certified structure other than a historic home. On the day that Taxpayer submits the Form IT-RHC-AP, the 2023 calendar year credit cap for certified structures other than historic homes was reached, and Taxpayer received an allocation of the 2023 historic rehabilitation tax credit on a pro rata basis. Taxpayer's preapproval application will be approved for the 2024 calendar year if the 2024 credit cap has not been reached and will receive priority over applications with a later submission date.

(k) Preapproval for Calendar Year 2022 for any other certified structure earning more than \$300,000 in historic rehabilitation tax credits. Taxpayers that were prorated or denied the any other certified structure credit for a project earning more than \$300,000 because the credit cap was met for 2017, 2018, 2019, 2020, or 2021, may submit the electronic Form IT-RHC-AP for 2022 for additional credit amounts so long as it is the same project, and they will have priority as provided in this regulation. Taxpayers that ~~met~~ meet the requirements for any other certified structure for a credit amount of more than \$300,000 ~~that~~ and choose to apply for the noncapped credit for any other certified structure (for a credit amount of \$300,000 or less) for 2017, 2018, 2019, 2020, or 2021 may submit an electronic Form IT-RHC-AP for 2022 for any other certified structure earning more than \$300,000; for additional credit amounts so long as it is the same project and they will have priority as provided in this regulation.

(l) Change of Ownership. If ownership of the other certified structure subsequently changes after historic rehabilitation tax credits were preapproved and allocated to the initial owners and no

529 rehabilitation has begun, then the new owners must contact the
530 Department to request reallocation of the preapproved credits to
531 the new owners. Along with their request, the new owners must
532 submit the amended precertification from the Georgia Department
533 of Community Affairs and the information required by subpara-
534 graph (6)(f)1 of this regulation. Once the credits are reallocated to
535 the new owners, the initial owners cannot claim, sell, or transfer
536 the credits.

537

538 ~~(l)~~(m) Claiming the Historic Rehabilitation Tax Credit for Any
539 Other Certified Structure. A taxpayer claiming the tax credits un-
540 der subparagraph (6)(a) of this regulation shall attach to its Georgia
541 income tax return, for each year the credit is claimed on Form IT-
542 RHC, the property tax bill for the year immediately before the be-
543 ginning of the 24 month (or 60 month) period, the property tax bill
544 for the year immediately after the beginning of the 24 month (or 60
545 month) period, and their completed final certification from the
546 Georgia Department of Community Affairs. A taxpayer claiming
547 the tax credits under subparagraph (6)(b) of this regulation must
548 attach to its Georgia income tax return, for each year the credit is
549 claimed, an approved Form IT-RHC-AP, Form IT-RHC, the prop-
550 erty tax bill for the year immediately before the beginning of the
551 24 month (or 60 month) period, the property tax bill for the year
552 immediately after the beginning of the 24 month (or 60 month) pe-
553 riod, and their completed final certification from the Georgia De-
554 partment of Community Affairs.

555

556 ~~(m)~~(n) In the event it is determined that the taxpayer has not
557 met all the requirements of O.C.G.A. § 48-7-29.8 and this regula-
558 tion, then the amount of credits shall not be approved or the ap-
559 proved credits shall be retroactively denied. The taxpayer shall file
560 amended returns for the taxable year the credit was claimed, reduc-
561 ing the credit. With respect to such denied credits, tax, interest, and

562 penalties shall be due if the credits have already been used by the
563 taxpayer or have been sold or transferred, regardless of whether the
564 transferee has used the credit or not.

565

566 ~~(n)~~(o) Pass-through entities. When the taxpayer is a pass-
567 through entity, and has no income tax liability of its own, the his-
568 toric rehabilitation tax credit for any other certified structure, shall
569 be allocated to the partners, members, or shareholders of that entity
570 in accordance with the provisions of any agreement among the
571 partners, members, or shareholders of that entity and without re-
572 gard to the ownership interest of the partners, members, or share-
573 holders in the rehabilitated certified structure, provided that the
574 entity or person that claims the credit must be subject to Georgia
575 tax. The credit forms will initially be filed with the tax return of the
576 pass-through entity to establish the amount of the credit available
577 for pass through. The credit will then pass through to its sharehold-
578 ers, members, or partners to be applied against the tax liability on
579 their income tax returns. The credits are available for use as a cred-
580 it by the shareholders, members, or partners for their tax year in
581 which the income tax year of the pass-through entity ends. For ex-
582 ample: A partnership earns the credit for its tax year ending Janu-
583 ary 31, 2017. The partnership passes the credit to a calendar-year
584 partner. The credit is available for use by the individual partner
585 beginning with the calendar 2017 tax year.

586

587 ~~(o)~~(p) Selling or Transferring the Historic Rehabilitation Tax
588 Credit for Any Other Certified Structure. The taxpayer may sell or
589 transfer in whole or in part any historic rehabilitation tax credit for
590 any other certified structure earned under subparagraph (6)(b) of
591 this regulation that was previously claimed but not used by such
592 taxpayer against its income tax, to another Georgia taxpayer sub-
593 ject to the following conditions:

594

595 1. The taxpayer may only make a one-time sale or transfer of
596 historic rehabilitation tax credits for any other certified structure
597 earned in each taxable year. However, the sale or transfer may in-
598 volve more than one transferee. For example, taxpayer 1 earns a
599 \$100,000 credit in year 1. In year 2, they sell \$75,000 of the credit
600 to taxpayer 2. In year 3, they are allowed to sell the remaining
601 \$25,000 of the credit to taxpayer 3. However, both taxpayer 2 and
602 taxpayer 3 are not allowed to resell the credit since the credit can
603 only be sold ~~one-time~~ once.

604
605 2. The historic rehabilitation tax credits for any other certified
606 structure may be transferred before the tax return is filed by the
607 taxpayer, provided the historic rehabilitation tax credits have been
608 earned. However, the amount transferred cannot exceed the
609 amount of the credit which will be claimed and not used on the in-
610 come tax return of the transferor. The credit is considered earned
611 when the credit has been preapproved by the Department, the certi-
612 fied rehabilitation has been completed, and the taxpayer has re-
613 ceived their completed final certification from the Georgia De-
614 partment of Community Affairs. Preapproval of the credits by it-
615 self does not qualify as earning the credit.

616
617 3. The taxpayer must file Form IT-TRANS, "Notice of Tax
618 Credit Transfer," with the Department of Revenue within 30 days
619 of the transfer or sale of the historic rehabilitation tax credit for any
620 other certified structure. Form IT-TRANS must be submitted elec-
621 tronically to the Department of Revenue through the Georgia Tax
622 Center, or alternatively, as provided in subparagraph
623 ~~(6)(o)3.(i)~~ (6)(p)3.(i) of this regulation. The Department of Revenue
624 will not process any Form IT-TRANS submitted or filed in any
625 other manner. If the taxpayer is a disregarded entity, then Form IT-
626 TRANS should be filed in the name of the owner of the disregar-
627 ed entity, but ~~the~~ Form IT-RHC should be in the name of the disre-

628 garded entity and attached to the owner's Georgia income tax re-
629 turn.

630

631 (i) The web-based portal on the Georgia Tax Center. The tax-
632 payer may provide selective information to a representative for the
633 purpose of allowing the representative to submit Form IT-TRANS
634 on their behalf on the Georgia Tax Center outside of a login. The
635 provision of such information shall authorize the representative to
636 submit such Form IT-TRANS. The representative must provide all
637 information required by the web-based portal on the Georgia Tax
638 Center to submit Form IT-TRANS.

639

640 4. The taxpayer must provide all required historic rehabilitation
641 tax credit for any other certified structure detail and transfer infor-
642 mation to the Department of Revenue. Failure to do so will result
643 in the historic rehabilitation tax credit for any other certified struc-
644 ture being disallowed until the taxpayer complies with such re-
645 quirements.

646

647 5. The ~~carry forward~~carryforward period of the historic rehabil-
648 itation tax credit for any other certified structure for the transferee
649 will be the same as it was for the taxpayer. For certified rehabilita-
650 tions completed on or after January 1, 2017, no unused historic re-
651 habilitation tax credit for any other certified structure shall be al-
652 lowed to be carried forward.

653

654 (i) Example: Taxpayer sells the historic rehabilitation tax cred-
655 it for any other certified structure on March 15, 2018. This credit is
656 from a certified rehabilitation that received preapproval from the
657 Department for calendar year 2017 and was placed in service in the
658 taxpayer's calendar 2017 tax year. The transferee is a calendar-year
659 taxpayer. The credit may be claimed by the transferee on the cal-
660 endar 2017 tax year return. This credit cannot be carried forward

661 by the taxpayer or the transferee. This credit can only be utilized in
662 tax year 2017.

663

664 6. A transferee shall have only such rights to claim and use the
665 historic rehabilitation tax credit for any other certified structure
666 that were available to the taxpayer at the time of the transfer. Thus,
667 a transferee shall not have the right to subsequently transfer such
668 credit since that right has been utilized by the transferor.

669

670 7. Only the taxpayer who earned the historic rehabilitation tax
671 credit for any other certified structure, and no subsequent good
672 faith transferee, shall be responsible in the event of a recapture,
673 reduction, disallowance, or other failure related to such credit, pro-
674 vided the credit was properly claimed by the taxpayer.

675

676 ~~(p)~~(q) How to Sell or Transfer the Historic Rehabilitation Tax
677 Credit for Any Other Certified Structure. The taxpayer may sell or
678 transfer the historic rehabilitation tax credit for any other certified
679 structure directly to a Georgia taxpayer (or multiple Georgia tax-
680 payers, as provided in subparagraph ~~(6)(e)~~1.(6)(p)1. of this rule). A
681 pass-through entity may make an election to sell or transfer the un-
682 used historic rehabilitation tax credit for any other certified struc-
683 ture earned in a taxable year at the entity level. If the pass-through
684 entity makes the election to sell the historic rehabilitation tax credit
685 for any other certified structure at the entity level, the credit does
686 not pass through to the shareholders, members, or partners. In all
687 cases, the effect of the sale of the credit on the income of the seller
688 and buyer of the credit will be the same as provided in the Internal
689 Revenue Code.

690

691 1. Pass-Through Entity. The taxpayer may be structured as a
692 pass-through entity. If a pass-through entity does not make an elec-
693 tion to sell or transfer the tax credit at the entity level as provided

694 in subparagraph (6)(~~p~~)(q) of this rule, the tax credit will pass
695 through to the shareholders, partners, or members of the entity
696 based on any agreement among the partners, members, or share-
697 holders of that entity without regard to the ownership interest of
698 the partners, members, or shareholders in the rehabilitated certified
699 structure, provided that the entity or person that claims the credit
700 must be subject to Georgia tax. The shareholders, members, or
701 partners may then sell their respective historic rehabilitation tax
702 credit for any other certified structure to a Georgia taxpayer.

703

704 2. Transferee Pass-Through Entity. The taxpayer or its share-
705 holders, members, or partners, may sell or transfer the tax credit to
706 a pass-through entity. If the pass-through entity has no income tax
707 liability of its own, ~~the pass-through entity~~ it may then pass the
708 credit through to its shareholders, members, or partners based on
709 any agreement among the partners, members, or shareholders of
710 that entity without regard to the ownership interest of the partners,
711 members, or shareholders in the pass-through entity, provided that
712 the entity or person that claims the credit must be subject to Geor-
713 gia tax. For example, if a calendar-year partnership is ~~buying~~ buys
714 the credit earned by a taxpayer in ~~the calendar year~~ 2017 tax year
715 and ~~the credit was~~ preapproved by the Department for calendar
716 year 2017, then all ~~of~~ the partners receiving the credit must have
717 been a partner in the partnership no later than the end of the 2017
718 tax year of the partnership. The credits are available for use as a
719 credit by the shareholders, members, or partners for their tax year
720 in which the income tax year of the pass-through entity ends. For
721 example, a taxpayer that received preapproval for calendar year
722 2017 and placed in service the certified rehabilitation for any other
723 certified structure in July of 2017, sells the credit to a pass-through
724 entity in August of 2017, and the generating taxpayer claims the
725 credit on their calendar year 2017 income tax return. The pass-
726 through entity is entitled to use the credits on its calendar year

727 2017 tax return. The pass-through entity has two partners. The first
728 partner is a calendar-year partner. This credit can only be utilized
729 on the calendar tax year 2017 return and cannot be carried forward
730 by the partner. The second partner is a corporation with a fiscal
731 year ending June 30, 2018. This credit can only be utilized on the
732 fiscal year ending June 30, 2018 and cannot be carried forward by
733 the partner.

734

735 3. The credits are available for use by the transferee, provided
736 the time has not expired for filing a claim for refund of a tax or fee
737 erroneously or illegally assessed and collected under O.C.G.A. §
738 48-2-35 in the transferee's tax year in which the income tax year of
739 the taxpayer ~~which~~ who claims the historic rehabilitation tax credit
740 for any other certified structure for the certified rehabilitation asso-
741 ciated with the credit being sold; ends.

742

743 (i) Example: Taxpayer sells the historic rehabilitation tax cred-
744 it for any other certified structure on March 15, 2018. This credit is
745 from a certified rehabilitation that received preapproval from the
746 Department for calendar year 2017 and was placed in service on or
747 after January 1, 2017 and within the generating taxpayer's fiscal
748 tax year ending June 30, 2017. The transferee is a calendar-year
749 taxpayer. The credit may be claimed by the transferee on the cal-
750 endar 2017 tax year return. This credit cannot be carried forward
751 by the taxpayer or the transferee. This credit can only be utilized in
752 tax year 2017 by the transferee.

753

754 (ii) Example: Taxpayer sells the historic rehabilitation tax
755 credit for any other certified structure on March 15, 2018. This
756 credit is from a certified rehabilitation that received preapproval
757 from the Department for calendar year 2017 (on their Form IT-
758 RHC-AP, the completion calendar year was 2017 and the credit
759 was awarded for such year) and was placed in service on Decem-

760 ber 31, 2019. As provided in paragraph (7), the taxpayer chooses to
761 claim the credit on their tax year ending June 30, 2020 tax return.
762 The transferee is a calendar-year taxpayer. The credit must be
763 claimed by the transferee on the calendar 2020 tax year return.
764 This credit cannot be carried forward by the taxpayer or the trans-
765 feree. This credit can only be utilized on the transferee's calendar
766 2020 tax year return.

767

768 ~~(a)~~(r) Required reporting. Notwithstanding Code Sections 48-
769 2-15, 48-7-60, and 48-7-61, the Department shall furnish a report
770 to the chairperson of the House Committee on Ways and Means
771 and the chairperson of the Senate Finance Committee by June 30
772 of each year. Such report shall contain the total sales tax collected
773 in the prior calendar year, ~~and~~ the average number of full-time em-
774 ployees at the certified structure, and the total value of credits
775 claimed for each taxpayer claiming credits under subparagraph
776 (6)(b).

777

778 1. For certified rehabilitations completed on or after January 1,
779 2017, any taxpayer that generates and claims the tax credit under
780 subparagraph (6)(b) of this regulation must electronically report to
781 the Department through the Georgia Tax Center, using Form IT-
782 RHC-RPT, the monthly average full-time employees employed at
783 the certified structure, the total sales tax collected, and the credits
784 claimed. Such reports must be submitted to the Department for five
785 calendar years following the calendar year in which the credit is
786 claimed by the taxpayer. Such report shall be due by the February
787 28th date that follows the calendar year that is being reported.

788

789 2. For purposes of this subparagraph, in the event that the tax-
790 payer that generates and claims the tax credit under subparagraph
791 (6)(b) of this regulation leases such other certified structure, all
792 total sales tax receipts from the certified structure and all total full-

793 time employees at the certified structure shall be aggregated.
794

795 3. For certified rehabilitations completed on or after January 1,
796 2017, where the maximum credit amount exceeds \$5 million for
797 any other individual certified structure, the taxpayer shall report
798 using Form IT-RHC-RPT whether or not they created 200 or more
799 full-time permanent jobs or had \$5 million in annual payroll within
800 two years of the placed-in-service date. Such report shall be due no
801 later than 60 days following the end of such ~~two~~-year period.
802

803 **(7) Completion of the Project ~~For~~ Preapproved Projects.**
804

805 (a) For certified rehabilitations of any other certified structure
806 under subparagraph (6)(b) of this regulation completed on or after
807 January 1, 2017 and historic homes preapproved on or after Janu-
808 ary 1, 2022 ~~under paragraph (5) of this regulation~~, the project must
809 be placed in service within two years after the completion calendar
810 year listed in the taxpayer's Form IT-RHC-AP (the year for which
811 the credit was originally reserved). If the taxpayer has a fiscal year,
812 such completion calendar year shall, for purposes of this para-
813 graph, be the tax year that begins in such completion calendar year.
814 If this requirement is met, the taxpayer claims the credit in the year
815 listed in the taxpayer's preapproval letter from the Department of
816 Revenue; or the taxpayer may claim the credit in the tax year in
817 which the project is placed in service, provided the project is
818 placed in service within two years after the completion calendar
819 year listed in their Form IT-RHC-AP and provided such placed-in-
820 service year ends later than the end of the year listed in the taxpay-
821 er's preapproval letter from the Department of Revenue. If the pro-
822 ject is not placed in service within such time period, the credit is
823 lost and cannot be claimed, sold, or transferred, unless the taxpayer
824 reapplies for the credit and receives preapproval for such other
825 time period. Unless the Department has evidence to the contrary,

826 the date of completion listed in the final certification authorized by
827 the Georgia Department of Community Affairs shall be used to
828 determine when the project was placed in service. This paragraph
829 shall apply even if the taxpayer is given priority under subpara-
830 graph (6)(j) of this regulation and is preapproved for a subsequent
831 calendar year.

832

833 1. Example 1. The taxpayer lists 2017 in their Form IT-RHC-
834 AP as the completion calendar year and is preapproved to claim
835 the credit for 2017. The taxpayer is a calendar-year taxpayer. The
836 taxpayer must place the project in service on or before December
837 31, 2019. This taxpayer places the project in service on November
838 15, 2019. The taxpayer may claim the credit on their taxable year
839 end December 31, 2017 Georgia income tax return or their taxable
840 year end December 31, 2019 Georgia income tax return.

841

842 2. Example 2. The taxpayer lists 2018 in their Form IT-RHC-
843 AP as the completion calendar year and is preapproved to claim
844 the credit for 2018. The taxpayer is a fiscal year filer with a Febru-
845 ary 28 taxable year end. The taxpayer must place the project in
846 service on or before February 28, 2021. This taxpayer places the
847 project in service on March 31, 2019. The taxpayer may claim the
848 credit on their taxable year end February 28, 2019 Georgia income
849 tax return or their taxable year end February 28, 2020 Georgia in-
850 come tax return.

851

852 (b) The following examples illustrate how the credit is claimed
853 if the taxpayer is preapproved for the credit in a subsequent year,
854 as provided by subparagraph (6)(j):

855

856 1. Example 3. The taxpayer lists 2018 in their Form IT-RHC-
857 AP as the completion calendar year and is preapproved to claim
858 the credit for 2019. The taxpayer is a calendar-year taxpayer. This

859 taxpayer places the project in service on November 15, 2020. The
860 taxpayer may claim the credit on their taxable year end December
861 31, 2019 Georgia income tax return or their taxable year end De-
862 cember 31, 2020 Georgia income tax return.

863

864 2. Example 4. The taxpayer lists 2018 in their Form IT-RHC-
865 AP as the completion calendar year and is preapproved to claim
866 the credit for 2019. The taxpayer is a fiscal year filer with a Febru-
867 ary 28 taxable year end. This taxpayer places the project in service
868 on January 31, 2021. The taxpayer may claim the credit on their
869 taxable year end February 28, 2020 Georgia income tax return or
870 their taxable year end February 28, 2021 Georgia income tax re-
871 turn.

872

873 (c) For historic homes estimated to be completed before Janu-
874 ary 1, 2022 and which are not actually completed before January 1,
875 2022, the project must be placed in service within two years after
876 the estimated completion year listed on the precertification from
877 the Georgia Department of Community Affairs. If this two-year
878 requirement is met, the taxpayer claims the credit in the estimated
879 completion year listed on the precertification from the Georgia
880 Department of Community Affairs, and the taxpayer does not need
881 to apply for preapproval for the historic home ~~under paragraph (5)~~
882 ~~of this regulation~~. If the project is not placed in service within such
883 time period, the credit is lost and cannot be claimed, sold, or trans-
884 ferred, unless the taxpayer reapplies for the credit and receives
885 preapproval for such other time period. Unless the Department has
886 evidence to the contrary, the date of completion listed in the final
887 certification authorized by the Georgia Department of Community
888 Affairs shall be used to determine when the project was placed in
889 service.

890

891 (d) A project ~~which~~that is delayed beyond two years may

892 submit an application for a later year, subject to all the other re-
893 quirements of this regulation.

894

895 (8) **Qualified Rehabilitation Expenditures ~~only~~Only Count-**
896 **ed Once.** Qualified rehabilitation expenditures can only be count-
897 ed once in determining the amount of the tax credit available, and
898 more than one entity may not utilize the historic rehabilitation tax
899 credit for the same qualified expenditures.

900

901 ~~(9) For money that is available for the calendar year 2022, the~~
902 ~~Department shall start allowing applications on the first day of~~
903 ~~2022 that is not a Saturday, Sunday, legal holiday, or day on which~~
904 ~~the Federal Reserve Bank is closed and the provisions of Regula-~~
905 ~~tion 560-7-8-.54 shall apply. Applications submitted before the~~
906 ~~start date will be denied by the Department.~~

907

908 ~~(10)~~(9) **Sunset Date.** O.C.G.A. § 48-7-29.8, the historic reha-
909 bilitation tax credit, shall be repealed on December 31, ~~2022~~2027.
910 As such, projects completed on or after January 1, ~~2023~~2028 are
911 not eligible except as allowed by paragraph (7) of this regulation.

912

913 ~~(11)~~(10) **Effective Date.** This regulation shall be applicable to
914 certified rehabilitations completed on or after January 1, 2017, re-
915 gardless of when the certified rehabilitation was started.

916

917 Authority: O.C.G.A. §§ 48-2-12 and 48-7-29.8.