

## The Vermont Statutes Online

### Title 32 : Taxation And Finance

#### Chapter 151 : Income Taxes

##### Subchapter 011J : Vermont Downtown And Village Center Tax Credit Program

(Cite as: 32 V.S.A. § 5930dd)

- **§ 5930dd. Claims; availability**

(a) A taxpayer claiming credit under this subchapter shall submit to the Department of Taxes with the first return on which a credit is claimed a copy of the State Board's tax credit allocation.

(b) A credit under this subchapter shall be available for the first tax year in which the qualified project is complete. In the alternative, the State Board may allocate the credit available under this subchapter and make an allocation available upon completion of any distinct phase of a qualified project. The allocation and distinct phases of the qualified project shall be identified in the application package approved by the State Board.

(c) If within five years after the date of the credit allocation to the applicant no claim for tax credit has been filed, the tax credit allocation shall be rescinded.

(d) Any unused credit under this section may be carried forward for no more than nine tax years following the first year for which the tax credit is claimed.

(e) In lieu of using a tax credit to reduce its own tax liability, an applicant may request the credit in the form of a bank credit certificate that a bank may accept in return for cash, or may accept for adjusting the rate or term of the applicant's mortgage or loan related to an ownership or leasehold interest in the qualified building. The amount of the bank credit certificate shall equal the unused portion of the credit allocated under this subchapter, and an applicant requesting a bank credit certificate shall provide to the State Board a copy of any returns on which any portion of the allocated credit under this section was claimed. A bank that purchases a bank credit certificate may use it to reduce its franchise tax liability under section 5836 of this title in the first tax year in which the qualified building is placed back in service after completion of the qualified project or in the subsequent nine years.

(f) In lieu of using a tax credit to reduce its own tax liability, an applicant may request the credit in the form of an insurance credit certificate that an insurance company may accept in return for cash and for use in reducing its tax liability under subchapter 7 of chapter 211 of this title in the first tax year in which the qualified building is placed back in service after completion of the qualified project or in the subsequent nine years. The amount of the insurance credit certificate shall equal the unused portion of the credit allocated under this subchapter, and an applicant requesting an insurance credit certificate shall provide to the State Board a copy of any returns on which any portion of the allocated credit under

this section was claimed. (Added 2005, No. 183 (Adj. Sess.), § 12; amended 2009, No. 160 (Adj. Sess.), § 30; 2011, No. 45, § 18, eff. May 24, 2011.)