

1 SB45
2 214548-2
3 By Senator Chambliss
4 RFD: Finance and Taxation Education
5 First Read: 11-JAN-22

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, a state income tax
9 credit is provided under certain conditions for
10 qualified rehabilitation expenditures for the
11 substantial rehabilitation of certified historic
12 structures.

13 This bill would provide that a tax
14 allocation reservation granted to certain taxpayers
15 with a certified rehabilitation project shall not
16 be excluded from receiving tax credits already
17 reserved prior to the enactment of Act 2021-431.

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 Relating to the state income tax credit for the
24 rehabilitation of qualified historic structures; to amend
25 Section 40-9F-36 of the Code of Alabama 1975, as amended by
26 Act 2021-431, 2021 Regular Session to provide that tax
27 allocation reservations granted to taxpayers for a certified

1 historic residential structure shall not be excluded from
2 receiving tax allocation reservations granted prior to
3 enactment of Act 2021-431; and to provide for retroactive
4 effect.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Section 40-9F-36 of the Code of Alabama
7 1975, as amended by Act 2021-431, 2021 Regular Session, is
8 amended as follows:

9 "§40-9F-36.

10 "The tax credits authorized by this article for the
11 substantial rehabilitation of qualified structures shall not
12 be available to owners of qualified structures that submit an
13 application and rehabilitation plan after December 31, 2027.
14 No action or inaction on the part of the Legislature shall
15 reduce or suspend the tax credits authorized by this article
16 in any past or future calendar year with respect to a
17 qualified structure if the owner thereof submits an
18 application and rehabilitation plan with the commission and
19 the commission reserves an allocation for a tax credit on or
20 prior to December 31, 2027, even if the qualified structure is
21 placed into service after December 31, 2027, and shall not
22 affect the owner of a qualified structure if the commission
23 has reserved an allocation for a tax credit on or prior to
24 December 31, 2027. Notwithstanding any other provision of this
25 chapter, any application received by the commission ~~other~~
26 ~~than an application for a qualified structure the end use of~~
27 ~~which is proposed to be a disqualifying use) in active status~~

1 on the ranking list of the Historic Tax Credit Evaluating
2 Committee or granted a tax allocation reservation prior to May
3 14, 2021 shall remain on the ranking list or in reservation
4 status and shall receive a tax credit allocation reservation
5 or a tax credit allocation, as the case may be, when
6 additional credits become available, including in any tax year
7 commencing after 2022."

8 Section 2. This act shall be retroactive to May 14,
9 2021, and shall become effective immediately following its
10 passage and approval by the Governor, or its otherwise
11 becoming law.