

SB1767



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1767

Introduced 2/9/2017, by Sen. Chuck Weaver

SYNOPSIS AS INTRODUCED:

35 ILCS 5/219
35 ILCS 30/15

Amends the Illinois Income Tax Act and the Historic Preservation Tax Credit Pilot Program Act. Provides that the historic preservation tax credit applies again for tax years beginning on or after January 1, 2017 and beginning prior to January 1, 2023 (currently, the credit applied for tax years beginning on or after January 1, 2010 and ending on or before December 31, 2015). Effective immediately.

LRB100 09267 HLH 19425 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning revenue.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Income Tax Act is amended by
5 changing Section 219 as follows:

6 (35 ILCS 5/219)

7 Sec. 219. Historic preservation credit. For tax years
8 beginning on or after January 1, 2010 and ending on or before
9 December 31, 2015, and beginning again for tax years beginning
10 on or after January 1, 2017 and beginning prior to January 1,
11 2023, a taxpayer who qualifies for a credit under the Historic
12 Preservation Tax Credit Pilot Program Act is entitled to a
13 credit against the taxes imposed under subsections (a) and (b)
14 of Section 201 of this Act as provided in that Act. If the
15 taxpayer is a partnership or Subchapter S corporation, the
16 credit shall be allowed to the partners or shareholders in
17 accordance with the determination of income and distributive
18 share of income under Sections 702 and 704 and Subchapter S of
19 the Internal Revenue Code.

20 If the amount of any tax credit awarded under this Section
21 exceeds the qualified taxpayer's income tax liability for the
22 year in which the qualified rehabilitation plan was placed in
23 service, the excess amount may be carried forward or back as

1 provided in the Historic Preservation Tax Credit Pilot Program
2 Act.

3 (Source: P.A. 96-933, eff. 6-21-10.)

4 Section 10. The Historic Preservation Tax Credit Pilot
5 Program Act is amended by changing Section 15 as follows:

6 (35 ILCS 30/15)

7 Sec. 15. Allowable credit. To the extent authorized by
8 Section 25 of this Act, for taxable years beginning on or after
9 January 1, 2010 and ending on or before December 31, 2015, and
10 beginning again for tax years beginning on or after January 1,
11 2017 and beginning prior to January 1, 2023, there shall be
12 allowed a tax credit against the tax imposed by subsections (a)
13 and (b) of Section 201 of the Illinois Income Tax Act in an
14 amount equal to 25% of qualified expenditures incurred by a
15 qualified taxpayer during the taxable year in the restoration
16 and preservation of a qualified historic structure pursuant to
17 a qualified rehabilitation plan, provided that the total amount
18 of such expenditures (i) must equal \$5,000 or more, and (ii)
19 must exceed 50% of the purchase price of the property. If the
20 amount of any tax credit awarded under this Act exceeds the
21 qualified taxpayer's income tax liability for the year in which
22 the qualified rehabilitation plan was placed in service, the
23 excess amount may be carried forward for deduction from the
24 taxpayer's income tax liability in the next succeeding year or

1 years until the total amount of the credit has been used,
2 except that a credit may not be carried forward for deduction
3 after the tenth taxable year after the taxable year in which
4 the qualified rehabilitation plan was placed in service. To
5 obtain a tax credit pursuant to this Act, an application must
6 be made to the Department (i) no later than 6 months after the
7 effective date of this Act or (ii) no later than 6 months after
8 the effective date of this amendatory Act of the 100th General
9 Assembly. The Department, in consultation with the Agency,
10 shall determine the amount of eligible rehabilitation costs and
11 expenses. The Agency shall determine whether the
12 rehabilitation is consistent with the standards of the
13 Secretary of the United States Department of the Interior for
14 rehabilitation. Upon completion and review of the project, the
15 Department shall issue a certificate in the amount of the
16 eligible credits. At the time the certificate is issued, an
17 issuance fee up to the maximum amount of 2% of the amount of
18 the credits issued by the certificate may be collected from the
19 applicant to administer the Act. If collected, this issuance
20 fee shall be evenly divided between the Department and the
21 Agency. The taxpayer must attach the certificate to the tax
22 return on which the credits are to be claimed.

23 (Source: P.A. 96-933, eff. 6-21-10.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.