**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 3842**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Simrill, Hosey, Pendarvis and G.R. Smith

Document Path: l:\council\bills\bbm\9635dg17.docx

Companion/Similar bill(s): 412

Introduced in the House on February 23, 2017

Currently residing in the House Committee on **Ways and Means**

Summary: Tax Credits

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/23/2017 House Introduced and read first time ([House Journal‑page 10](file:///h:\hj\20170223.docx))

2/23/2017 House Referred to Committee on **Ways and Means** ([House Journal‑page 10](file:///h:\hj\20170223.docx))

4/26/2017 Scrivener's error corrected

2/1/2018 House Member(s) request name added as sponsor: Hosey

2/15/2018 House Member(s) request name added as sponsor: Pendarvis

2/27/2018 House Member(s) request name added as sponsor: G.R.Smith

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3842&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[2/23/2017](file:///p:\pprever\2017-18\3842_20170223.docx)

**A** **BILL**

TO AMEND SECTION 12‑6‑3530, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMMUNITY DEVELOPMENT TAX CREDITS, SO AS TO DELETE AN AGGREGATE CREDIT PROVISION AND SET AN ANNUAL LIMIT OF TAX CREDITS AT FIVE MILLION DOLLARS, TO ESTABLISH TAX CREDIT RESERVE ACCOUNTS FOR THE FIRST THREE QUARTERS OF EACH TAX YEAR SO AS TO AVOID THE DEPLETION OF CREDITS BY AN INDIVIDUAL TAXPAYER; TO DELETE THE PRO‑RATA DISTRIBUTION OF TAX CREDITS, TO ALLOW FINANCIAL INSTITUTIONS WITH TAX LIABILITIES IN THIS STATE TO INVEST IN CERTIFIED COMMUNITY DEVELOPMENT CORPORATIONS FOR THE PURPOSE OF RECEIVING A TAX CREDIT, TO PROVIDE THAT RETURNS ON INVESTMENTS IN CERTIFIED COMMUNITY DEVELOPMENT CORPORATIONS AND CERTIFIED COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS MAY NOT EXCEED THE TOTAL AMOUNT OF THE INITIAL INVESTMENT, TO QUALIFY THE SOUTH CAROLINA ASSOCIATION FOR COMMUNITY ECONOMIC DEVELOPMENT AS A COMMUNITY DEVELOPMENT CORPORATION AND TO QUALIFY THE SOUTH CAROLINA COMMUNITY CAPITAL ALLIANCE AS A COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION; AND TO AMEND SECTION 4 OF ACT 314 OF 2000, AS AMENDED, RELATING TO COMMUNITY DEVELOPMENT CORPORATIONS AND FINANCIAL INSTITUTIONS, SO AS TO EXTEND THE PROVISIONS OF THE SOUTH CAROLINA COMMUNITY ECONOMIC DEVELOPMENT ACT UNTIL JUNE 30, 2027.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 12‑6‑3530(A), (B), (C), (D), (F), and (L) of the 1976 Code is amended to read:

“(A) A taxpayer may claim as a credit against his state income tax, bank tax, or premium tax liability thirty‑three percent of all amounts invested in a certified community development corporation or in a community development financial institution, as defined in Section 34‑43‑20(2) or (3).

To qualify for this credit the taxpayer must obtain a certificate from the South Carolina Department of Commerce certifying that the entity into which the funds are invested is a community development corporation or a community development financial institution within the meaning of Section 34‑43‑20(2) or (3) and certifying that the credit taken or available to that taxpayer will not exceed the annual aggregate five million dollar limitation ~~of all those credits as~~ provided in subsection (B) ~~when added to the credits previously taken or available to other taxpayers making similar investments~~. A taxpayer who invested in good faith in a certified corporation or institution may claim the credit provided in this section, notwithstanding the fact that the certification is later revoked or not renewed by the department.

(B) The total amount of credits allowed pursuant to this section may not exceed ~~in the aggregate~~ five million dollars for all taxpayers ~~and all~~ in any calendar ~~years and one million dollars for all taxpayers in one calendar~~ year.

(C) The Department of Commerce shall authorize the tax credits each year on a first‑come, first‑served basis. A single community development corporation or community development financial institution may not receive more than twenty‑five percent of the total annual tax credits authorized pursuant to this section ~~in any one calendar year~~. Twenty‑five percent of annual tax credits must be held in a reserve account during the first three quarters of each tax year and made available exclusively to small, rural‑based, community development corporations. During the first three quarters of any tax year, an individual community development corporation or a community development financial institution must not be authorized to receive more than fifteen percent of the statewide total annual credits. During the fourth quarter of each tax year, all remaining tax credits are available to all certified community development corporations or community development financial institutions.

(D) The department shall monitor the investments made by taxpayers in community development corporations and community development financial institutions as permitted by this section and shall perform the functions as provided in ~~subsection~~ subsections (A) and (C) ~~above~~.

(F) ~~Notwithstanding the provisions of subsections (A), (B), (C), (D), and (E) above, if on April 1, 2001, or as soon after that as the department is able to determine, the total amount of tax credits which may be claimed by all taxpayers exceeds the total amount of tax credits authorized by this section, the credits must be determined on a pro rata basis. For purposes of this subsection, a community development corporation or community development financial institution for which an investment may be claimed as a tax credit pursuant to this section must report all investments made before April 1, 2001, to the department by April 1, 2001, which shall inform, as soon as reasonably possible, all community development corporations and community development financial institutions of the total of all investments in all institutions and corporations as of April 1, 2001~~ The department must not authorize any tax credits after the annual five million dollar limitation set forth in subsection (B) has been reached.

(L) Banks and financial institutions ~~chartered by the~~ with tax liabilities in this State ~~of South Carolina~~ may invest in community development corporations and community development financial institutions incorporated pursuant to the laws of this State, up to a maximum of ten percent of a chartered bank or financial institution’s total capital and surplus.

SECTION 2. Section 12‑6‑3530 of the 1976 Code is amended by adding appropriately lettered subsections at the end to read:

( ) Returns on investments in certified community development corporations and certified community development financial institutions, including the value of any tax credits authorized pursuant to this section, may not exceed the total amount of initial investment in certified community development corporations and community development financial institutions.

( ) Notwithstanding the requirements of Section 34‑43‑20(2) and (3), the South Carolina Association for Community Economic Development is a community development corporation, and the South Carolina Community Capital Alliance is a community development financial institution.”

SECTION 3. Section 4 of Act 314 of 2000, as last amended by Act 46 of 2015, is further amended to read:

“SECTION 4. Unless reauthorized by the General Assembly, the provisions of this act shall terminate on June 30, ~~2020~~ 2027, and this act and all other laws and regulations governing, authorizing, and otherwise dealing with community development corporations and community development financial institutions are deemed repealed on that date.”

SECTION 4. This act takes effect January 1, 2018.

‑‑‑‑XX‑‑‑‑