

# **TITLE XII**

## **PUBLIC SAFETY AND WELFARE**

### **CHAPTER 162-N**

#### **ECONOMIC REVITALIZATION ZONE TAX CREDITS**

##### **Section 162-N:1**

[RSA 162-N:1 repealed by 2007, 263:123, I, effective January 1, 2028.]

##### **162-N:1 Definitions. –**

In this chapter:

- I. "Economic revitalization zone" means a zone designated by the commissioner of business and economic affairs as an economic revitalization zone in accordance with the provisions of this chapter.
- II. "Full-time job" means a job that is at least 35 hours per week and is a permanent, year-round position.

**Source.** 2003, 301:2. 2007, 263:120, eff. July 1, 2007. 2015, 265:8, eff. July 1, 2015. 2017, 156:14, II, eff. July 1, 2017.

##### **Section 162-N:2**

[RSA 162-N:2 repealed by 2007, 263:123, I, effective January 1, 2028.]

##### **162-N:2 Designation of Economic Revitalization Zone. –**

- I. "Economic revitalization zone" means a zone with a single continuous boundary, designated in accordance with the rules adopted under RSA 162-N:8, and having at least one of the following characteristics:
  - (a) Unused or underutilized industrial parks; or
  - (b) Vacant land or structures previously used for industrial, commercial, or retail purposes but currently not so used due to demolition, age, obsolescence, deterioration, brownfields, relocation of the former occupant's operations, or cessation of operation resulting from unfavorable economic conditions either generally or in a specific economic sector.
- II. Economic revitalization zones shall be designated by the commissioner of business and economic affairs only upon petition by the local governing body, as defined by RSA 672:6, or the town council. The commissioner of business and economic affairs shall certify that the economic revitalization zone meets the criteria required in paragraph I.

**Source.** 2003, 301:2. 2007, 263:120. 2010, 311:2, eff. July 13, 2010. 2015, 265:1, eff. July 1, 2015. 2017, 156:14, II, eff. July 1, 2017.

## **Section 162-N:2-a**

[RSA 162-N:2-a repealed by 2015, 265:7, effective January 1, 2028.]

**162-N:2-a Reevaluation of Economic Revitalization Zone.** – Each economic revitalization zone shall be evaluated every 5 years to determine if it meets the criteria required in RSA 162-N:2. If an economic revitalization zone fails to meet the criteria in RSA 162-N:2, its designation as an economic revitalization zone shall be removed.

**Source.** 2015, 265:2, eff. July 1, 2015.

## **Section 162-N:3**

[RSA 162-N:3 repealed by 2007, 263:123, I, effective January 1, 2028.]

**162-N:3 Eligibility Requirements for Business Tax Credits.** – No economic revitalization zone tax credits shall be allowed to any taxpayer unless the taxpayer's project receives written certification in accordance with RSA 162-N:4, I from the commissioner of business and economic affairs that it has expanded the commercial or industrial base in a designated economic revitalization zone and created new jobs in the state.

**Source.** 2003, 301:2. 2007, 263:120, eff. July 1, 2007. 2015, 265:3, eff. July 1, 2015. 2017, 156:14, II, eff. July 1, 2017. 2020, 38:3, eff. July 1, 2020.

## **Section 162-N:4**

[RSA 162-N:4 repealed by 2007, 263:123, I, effective January 1, 2028.]

### **162-N:4 Economic Revitalization Zone Tax Credit Agreement. –**

- I. The commissioner of business and economic affairs shall certify each application for an economic revitalization zone tax credit with each taxpayer.
- II. The commissioner, upon satisfaction of the requirements in RSA 162-N:3, shall issue a letter of certification containing such provisions as the commissioner of business and economic affairs determines to be in the public interest, which shall include, but not be limited to:
  - (a) Quality and quantity of full-time jobs created.
  - (b) Duration of the taxpayer's commitments with respect to the economic revitalization zone.
  - (c) The amount of the taxpayer's investment in the project.
  - (d) A precise definition of the location of the facility eligible for the credit.
- III. The letter of certification shall contain a determination of the final amount of the credit

awarded and shall be provided to the commissioner of revenue administration and the taxpayer claiming the credit no later than March 31 of each year.

**Source.** 2003, 301:2. 2007, 263:120. 2010, 311:3, eff. July 13, 2010. 2015, 265:4, eff. July 1, 2015. 2017, 156:14, II, eff. July 1, 2017. 2020, 38:4, eff. July 1, 2020.

## **Section 162-N:5**

[RSA 162-N:5 repealed by 2007, 263:123, I, effective January 1, 2028.]

**162-N:5 Limit on Total Economic Revitalization Zone Credits.** – The aggregate of tax credits issued by the commissioner of economic and business affairs to all taxpayers claiming the credit shall not exceed \$825,000 for any calendar year, except that any amount of the credit less than \$825,000 that is not claimed in the calendar year may be issued in the next calendar year and in following years. Amounts carried forward pursuant to RSA 162-N:7 shall not be counted against this limit in any year in which they are applied. Notwithstanding RSA 162-N:6, the maximum credit which may be utilized by a taxpayer in any calendar year shall not exceed \$40,000. In the case in which the aggregate credits requested during the calendar year exceed the amount available, each taxpayer shall receive a credit for the proportional share of the maximum aggregate credit amount.

**Source.** 2003, 301:2. 2007, 263:120. 2008, 58:1. 2010, 311:4, eff. July 13, 2010. 2014, 139:2, eff. Aug. 15, 2014. 2017, 156:14, II, eff. July 1, 2017.

## **Section 162-N:6**

[RSA 162-N:6 repealed by 2007, 263:123, I, effective January 1, 2028.]

**162-N:6 Determination of Economic Revitalization Zone Tax Credits Eligible Amount.** – For the purpose of determining the economic revitalization zone tax credit that the taxpayer is eligible to receive, the amount of the credit to be taken shall be the sum of the following:

- I. 4 percent of the salary for each new full-time job created in the calendar year with a wage less than or equal to 1.75 times the then current state minimum wage.
- II. 5 percent of the salary for each new full-time job created in the calendar year with a wage greater than 1.75 times the then current state minimum wage and less than or equal to 2.5 times the then current state minimum wage.
- III. 6 percent of the salary for each new full-time job created in the calendar year with a wage greater than 2.5 times the then current state minimum wage.
- IV. 4 percent of the lesser of the following:
  - (a) The actual cost incurred in the calendar year of creating a new facility or renovating an existing facility, and expenditures for machinery, equipment, or other materials, except inventory.
  - (b) \$20,000 for each new full-time job created in the calendar year.

**Source.** 2003, 301:2. 2007, 263:120. 2010, 311:5, eff. July 13, 2010. 2015, 265:5, eff. July 1, 2015. 2020, 38:5, eff. July 1, 2020.

## **Section 162-N:7**

[RSA 162-N:7 repealed by 2007, 263:123, I, effective January 1, 2028.]

**162-N:7 Application of Economic Revitalization Zone Tax Credit.** – The economic revitalization zone tax credit shall be applied against the business profits tax under RSA 77-A, and any unused portion thereof may be applied against the business enterprise tax under RSA 77-E. Any unused portion of the credit allowed under this chapter or any eligible credit in excess of \$40,000 allowed under this chapter, may be carried forward and allowed against taxes due under RSA 77-A or RSA 77-E for 5 taxable periods from the taxable period in which the tax was paid. For the purpose of the credit allowed under RSA 77-A:5, X, the economic revitalization zone credit shall be considered taxes paid under RSA 77-E.

**Source.** 2003, 301:2. 2007, 263:120. 2008, 58:2, eff. July 1, 2008.

## **Section 162-N:8**

[RSA 162-N:8 repealed by 2007, 263:123, I, effective January 1, 2028.]

### **162-N:8 Rules. –**

The commissioner of revenue administration shall adopt rules, under RSA 541-A, relative to documentation of the credits claimed under this chapter. The commissioner of business and economic affairs shall, in consultation with the executive director of the community development finance authority, adopt rules, under RSA 541-A, relative to the administration and implementation of this chapter. The rules adopted by the commissioner of business and economic affairs shall include provisions relative to:

- I. Establishment and certification of economic revitalization zones.
- II. Criteria for and approval of projects in economic revitalization zones, including jobs per dollar thresholds.
- III. Fees which the commissioner of business and economic affairs may charge to each applicant to cover the reasonable costs of the state's administration of the applicant's participation in the economic revitalization zone tax credit program.
- IV. Criteria for evaluation of the effectiveness of the tax credit program and whether existing economic revitalization zones continue to meet the criteria of RSA 162-N:2.

**Source.** 2003, 301:2. 2007, 263:120, eff. July 1, 2007. 2015, 265:6, eff. July 1, 2015. 2017, 156:14, II, eff. July 1, 2017.

## **Section 162-N:9**

[RSA 162-N:9 repealed by 2007, 263:123, I, effective January 1, 2028.]

**162-N:9 Reports.** – The commissioner of business and economic affairs shall file an annual report 60 days after the close of each fiscal year with the governor, the senate president, the speaker of the house of representatives, and the fiscal committee of the general court. The report shall describe the results of the economic revitalization zone tax credit program and shall include any recommendations for further legislation regarding the economic revitalization zone tax credit program.

**Source.** 2003, 301:2. 2007, 263:120. 2012, 247:19, eff. Aug. 17, 2012. 2017, 156:14, II, eff. July 1, 2017.