

SCHEDULE BA-404 Instructions

Tax Credits Earned, Applied, Expired, and Carried Forward

General Information

Schedule BA-404 must be completed and attached to an income tax return if any tax credits are earned, applied, expired or carried forward. Generally, tax credits are limited to a percentage of the tax attributable to the income generated by the entity authorized for the credit. For details, review the guidelines of the credit program in which you are participating. The credits listed on Schedule BA-404 are the only credits allowed in Vermont.

For any credit type being claimed, complete all applicable columns of Schedule BA-404. In most cases, Column D (Amount Carried Forward to Future Years) should equal Column A (Amount Carried Forward from Prior Years) plus Column B (Amount Earned Current Year) minus Column C (Amount Applied Current Year). However, in cases where a credit expires without being used, the expired credit should further reduce the value reported in Column D. Complete Line 11, Total for all Credits.

32 V.S.A. § 5862(d) is amended as of January 1, 2023 to read: (d) A taxable corporation that is part of an affiliated group engaged in a unitary business shall be treated as a single taxpayer and shall file a group return containing the combined net income of the affiliated group and such other informational returns as the Commissioner shall require by rule. A unitary combined return shall include the income and apportionment factors of any taxable corporation incorporated in the United States or formed under the laws of any state, the District of Columbia, or any territory or possession of the United States and in a unitary relationship with the taxpayer. The income, gain, or losses from members of a combined group shall be combined to the extent allowed under the Internal Revenue Code for consolidated filing as if the combined group was a consolidated filing group, **provided that a state tax credit shall not be combined and shall be limited to the member to which the credit is attributed.**

Credit Documentation

Research and Development Tax Credit (Line 1)

Include a copy of federal Form 6765, Credit for Increasing Research Activities. If the federal credit was earned based on expenditures both in and out of Vermont, provide a breakdown of the expenditure amounts and a recomputed credit calculation based only on the expenditures that occurred in Vermont. If you have received grants or assistance for financing the expenditures from any other public or private source, the basis expenditure amount for the credit calculation must be adjusted downward to account for the assistance. Your expenditures must be eligible for and receive the *federal tax credit* to claim the Vermont tax credit.

Credit Amount: 27% of the amount of the federal tax credit allowed in the taxable year for eligible research and development expenditures under 26 U.S.C. § 41(a) which are made within Vermont. Any unused credit may be carried forward for up to 10 years.

Investment Tax Credit - Solar Energy - § 5822(d) (Line 9)

Include a copy of the federal credit calculation Form 3468, Investment Credit, and Form 3800, General Business Credit. This credit is not available to C Corporations. See Technical Bulletin TB-45, Solar Energy Investment Tax Credit, on the Department's website, for a full explanation. If the federal credit was earned based on investments both in and out of Vermont, provide a breakdown of the

investment amounts and a recomputed credit calculation based only on investments that occurred in Vermont. If you have received grants or assistance for financing the project from any other public or private source, the basis investment amount for the credit calculation must be adjusted downward to account for the assistance. Your project must be eligible for and receive the *federal tax credit* to claim the Vermont tax credit.

Credit Amount: 24% of federal investment tax credit attributable to the Vermont-property portion of the investment for the current year. Any unused business solar energy investment tax credit under this section may be carried forward for no more than five years following the first year in which the credit is claimed. Any other investment tax credit is only available in the year it is earned.

Note that the Investment Tax Credit, Line 9, is only available to Business Income Tax filers. See instructions below for claiming the credit by the business entity's shareholders, partners, or members, or by a business entity filing a composite return.

Investment Tax Credit - Other - § 5822(d) (Line 10)

On Line 10, include the portion of Investment Tax Credit that is not related to the Solar Energy Investment Tax Credit. Copies of the federal credit calculation Form 3468, Investment Credit, and Form 3800, General Business Credit, should also be included.

If the federal credit was earned based on investments both in and out of Vermont, provide a breakdown of the investment amounts and a recomputed credit calculation based only on investments that occurred in Vermont. If you have received grants or assistance for financing the project from any other public or private source, the basis investment amount for the credit calculation must be adjusted downward to account for the assistance. Your project must be eligible for and receive the *federal tax credit* to claim the Vermont tax credit.

Credit Amount: 24% of federal investment tax credit attributable to the Vermont-property portion of the investment for the current year. Any unused business solar energy investment tax credit under this section may be carried forward for no more than five years following the first year in which the credit is claimed. Any other investment tax credit is only available in the year it is earned.

All other credit types

All other credit types must include a copy of the authorization document, a detailed description of the activity that generated the credit, and a calculation schedule.

Applying Credits to Offset Tax

Form CO-411 - C-Corporation – Stand-Alone

Enter the total amount of credits applied on Form CO-411, Corporate Income Tax Return, Line 14.

Form CO-411 - Unitary Businesses

If multiple entities within the unitary group are reporting credits, complete and attach a single Schedule BA-404 with the return package. Combine all credit amounts on Schedule BA-404 and attach a statement that breaks down the totals by entity.

Form BI-471 - Business Income Tax Return

For S-Corporations, Partnerships, and LLCs treated as pass-through entities for tax purposes, tax credits are generally distributed to the owners of the entity in the same proportion that income or loss is distributed and are not transferrable.

Report the allocation of **credits earned** in a given tax year using as many Schedules BA-406, Credit Allocation Schedule as necessary. Generally, prepare one Schedule BA-406 for each shareholder, partner, or member, and include as part of Form BI-471, Business Income Tax Return, return package. If the entity is filing a composite return, prepare a single Schedule BA-406 that includes the combined credit amounts for all shareholders, partners, or members included in the composite filing. Review the instructions of that form for further details.

Credits are applied on the Vermont income tax return of the individual or entity with the tax liability. Credits are reported on Schedule IN-112, Vermont Income Adjustments and Credits, or Schedule IN-119, Vermont Tax Adjustments and Nonrefundable Credits, of Form IN-111, Vermont Individual Income Tax Return.

If any or all of the entity income is taxed at the composite level, enter the amount of credits applied on Schedule BI-473, Composite Schedule, Line 10.

For further details, refer to the statutes and program guidelines for the specific credit program in which you are participating.

Form BI-476 - Business Income Tax Return for Resident Only

Same as for Form BI-471.

Contacting the Department

Mailing address:

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Montpelier, VT 05633-1401

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