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135th General Assembly
Regular Session
2023-2024

Sub. H. B. No. 3

A BILL

To amend sections 175.12, 5703.21, 5713.03, 1
5715.01, 5725.98, 5726.98, 5729.98, and 5747.98 2
and to enact sections 175.16, 5713.031, 5725.36, 3
5726.58, 5729.19, and 5747.85 of the Revised 4
Code to authorize a nonrefundable tax credit for 5
the construction or rehabilitation of certain 6
federally subsidized rental housing and to 7
authorize a uniform method for the tax valuation 8
of most such housing. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 175.12, 5703.21, 5713.03, 10
5715.01, 5725.98, 5726.98, 5729.98, and 5747.98 be amended and 11
sections 175.16, 5713.031, 5725.36, 5726.58, 5729.19, and 12
5747.85 of the Revised Code be enacted to read as follows: 13

Sec. 175.12. (A) This chapter, being necessary for the 14
welfare of the state and its inhabitants, shall be liberally 15
construed to effect its purposes and the purposes of Section 14, 16
of Article VIII and Section 16, Article VIII, Ohio Constitution. 17



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(B) The following are not public records subject to 18
section 149.43 of the Revised Code: 19

(1) Financial statements and data submitted for any 20
purpose to the Ohio housing finance agency or the controlling 21
board by any person in connection with applying for, receiving, 22
or accounting for financial assistance the agency provides; 23

(2) Information that identifies any individual who 24
benefits directly or indirectly from financial assistance the 25
agency provides; 26

(3) Information provided to the tax commissioner under 27
section 175.16 of the Revised Code or information provided under 28
divisions (I) (1) to (3) of section 175.16 of the Revised Code. 29

(C) (1) The agencies of this state shall cooperate fully 30
with the Ohio housing finance agency and shall provide 31
information the Ohio housing finance agency determines is 32
necessary or helpful for its operation. 33

(2) The Ohio housing finance agency may arrange with and 34
enter into contracts with other entities to perform functions 35
this chapter authorizes the agency to perform and compensate 36
those entities for performing those functions. 37

(3) The agency may enter into contracts with state 38
entities as described in this chapter. 39

(D) Any state agency that provides supplies, equipment, or 40
services directly related to the mission of the Ohio housing 41
finance agency as described in section 175.02 of the Revised 42
Code may enter into an agreement with the Ohio housing finance 43
agency to furnish those supplies, equipment, or services 44
pursuant to terms both agencies agree upon for remuneration to 45
the state agency. 46

(E) The Ohio housing finance agency is exempt from the requirements of Chapters 123. and 125. and sections 127.16 and 5147.07 of the Revised Code.

Sec. 175.16. (A) As used in this section:

(1) "Federal credit" means the tax credit authorized under section 42 of the Internal Revenue Code.

(2) "Credit period," "qualified low-income building," and "qualified basis" have the same meanings as in section 42 of the Internal Revenue Code.

(3) "Qualified project" means a qualified low-income building that is located in Ohio, is placed in service on or after January 1, 2023, and for which the director reserves a tax credit under division (B) of this section before January 1, 2029.

(4) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.

(5) "Project owner" means a person holding a fee simple interest or a leasehold interest pursuant to a ground lease in the land on which a qualified project sits.

(6) "Reserved credit amount" means the amount determined by the director and stipulated in the notice sent to each owner of a qualified project under division (B) of this section.

(7) "Annual credit amount" means the amount computed by the director under division (D) of this section prior to issuing an eligibility certificate.

(8) "Equity owner" means a direct or indirect owner of a project owner, provided the project owner is a pass-through entity, as determined under applicable state law governing such

<u>an entity.</u>	75
<u>(9) "Person" has the same meaning as in section 5701.01 of the Revised Code.</u>	76 77
<u>(10) "Eligibility certificate" means a certificate issued by the director to each owner of a qualified project under division (D) of this section stating the amount of credit that may be claimed for each year of the credit period.</u>	78 79 80 81
<u>(11) "Qualified allocation plan" means the plan developed by the Ohio housing finance agency, as required under section 175.06 of the Revised Code, for evaluating and selecting projects for the federal credit pursuant to the mandates and requirements within section 42 of the Internal Revenue Code.</u>	82 83 84 85 86
<u>(12) "Internal Revenue Code" has the same meaning as in section 5747.01 of the Revised Code.</u>	87 88
<u>(13) "Pass-through certification" means a writing submitted with a project owner's applicable return or report pursuant to division (F)(2) of this section.</u>	89 90 91
<u>(14) "Designated reporter" means the project owner or one of the project owner's equity owners designated pursuant to division (I)(1) of this section.</u>	92 93 94
<u>(15) "Director" means the executive director of the Ohio housing finance agency.</u>	95 96
<u>(B) Except as otherwise provided by this division, the director, upon allocating a federal credit and issuing a binding reservation or letter of eligibility, pursuant to the Ohio housing finance agency's qualified allocation plan, for a qualified low-income building that is located in this state and placed in service on or after January 1, 2023, may reserve a tax</u>	97 98 99 100 101 102

credit under this section for the project owners so long as 103
doing so will not result in exceeding the annual credit cap 104
prescribed by division (C) of this section. The director shall 105
not reserve a tax credit under this section after January 1, 106
2029. 107

The director shall send written notice of the reservation 108
to each project owner. The notice shall state the aggregate 109
credit amount reserved for all years of the qualified project's 110
credit period and stipulate that receipt of the credit is 111
contingent upon issuance of an eligibility certificate. 112

The agency shall determine the credit amount reserved for 113
each qualified project. The reserved credit amount shall not 114
exceed the amount necessary, when combined with the federal 115
credit, to ensure the financial feasibility of the qualified 116
project. 117

(C) The aggregate amount of credits reserved by the 118
director under division (B) of this section in a fiscal year 119
shall not exceed the sum of (1) five hundred million dollars, 120
(2) the amount, if any, by which the credit cap prescribed by 121
this division for the preceding fiscal year exceeds the credits 122
reserved by the director in that year, and (3) the amount of tax 123
credits recaptured and collected pursuant to an assessment 124
issued by the tax commissioner or superintendent of insurance or 125
otherwise disallowed under division (G) of this section in the 126
preceding fiscal year. 127

For the purpose of computing and determining compliance 128
with the credit cap prescribed by this division, the credit 129
amount reserved for the project owners of a qualified project is 130
the full amount for all years of the qualified project's credit 131
period. 132

(D) Immediately after approving the final cost 133
certification for a qualified project for which a tax credit 134
under this section is reserved, or upon otherwise determining 135
the qualified basis of the qualified project and the date it was 136
placed into service as required by section 42(m) of the Internal 137
Revenue Code, the director shall compute the annual credit 138
amount and issue an eligibility certificate to each project 139
owner. The director shall send copies of all eligibility 140
certificates issued each calendar year to the tax commissioner 141
and the superintendent of insurance. 142

The annual credit amount shall equal the lesser of the 143
following: 144

(1) The amount of the federal credit that would be awarded 145
to the owners of the qualified project for the first year of the 146
credit period if not for the adjustment required under section 147
42(f)(2) of the Internal Revenue Code; 148

(2) One-tenth of the reserved credit amount stated in the 149
notice issued under division (B) of this section. 150

(E) Each eligibility certificate shall state the annual 151
credit amount, the years that comprise the credit period, the 152
name, address, and taxpayer identification number of each 153
project owner, the date the certificate is issued, a unique 154
identifying number, and any additional information prescribed by 155
a rule adopted under division (H) of this section. A project 156
owner, if the project owner is a pass-through entity shall 157
provide a copy of the eligibility certificate to each equity 158
owner that has been allocated a credit under division (F) (2) of 159
this section. 160

(F) (1) For each year of a qualified project's credit 161

period, the project owner or an equity owner may claim a 162
nonrefundable credit against the tax imposed by section 5725.18, 163
5726.02, 5729.03, 5729.06, or 5747.02 of the Revised Code equal 164
to all or a portion of the annual credit amount stated on the 165
eligibility certificate. The credit shall be claimed in the 166
manner prescribed by section 5725.36, 5726.58, 5729.19, or 167
5747.85 of the Revised Code, as applicable. 168

(2) If a project owner is a pass-through entity, the 169
annual credit amount for any year of a qualified project's 170
credit period may be allocated by the project owner among one or 171
more equity owners, and any such equity owner that is itself a 172
pass-through entity may reallocate its portion of a credit to 173
its own equity owners, as described in division (F) (5) of this 174
section, and may be applied by those equity owners against more 175
than one tax over more than one calendar year, tax year, taxable 176
year, or tax period, but the total credits claimed in connection 177
with that year of the qualified project's credit period by all 178
project owners and equity owners against all taxes over all 179
calendar years, tax years, taxable years, and tax periods, shall 180
not exceed the annual credit amount stated on the eligibility 181
certificate. 182

A project owner or equity owner that is a pass-through 183
entity that allocates a credit to its equity owners under this 184
division shall list, in a writing submitted with the project 185
owner's or equity owner's applicable return or report, the 186
amount of the credit reflected on the eligibility certificate 187
that is allocated to each equity owner. 188

(3) A project owner or equity owner may claim the credit 189
authorized by division (F) (1) of this section for a calendar 190
year, tax year, taxable year, or tax period that ends after the 191

date the qualified project is placed into service but for which 192
the project owner or equity owner files its original tax return 193
or report claiming the credit before the director issues the 194
project owner an eligibility certificate under division (D) of 195
this section. If a credit is claimed before an eligibility 196
certificate is issued, the project owner or equity owner 197
claiming the credit may claim an amount that is not more than 198
one-tenth of the reserved credit amount. After the eligibility 199
certificate is issued, if the annual credit amount is different 200
than one-tenth of the reserved credit amount, the project owner 201
or equity owner that claimed a tax credit under division (F) (3) 202
of this section shall reconcile that difference through filing 203
an amended tax return or report under Chapter 5725., 5726., 204
5729., or 5747. of the Revised Code, as applicable. 205

(4) A project owner or equity owner that claims or 206
allocates a tax credit under division (F) (1) or (2) of this 207
section shall submit a copy of the eligibility certificate with 208
the project owner's or equity owner's tax return or report. A 209
project owner or equity owner that claims or allocates a credit 210
under division (F) (3) of this section shall submit a copy of the 211
notice stating the reserved credit amount, issued under division 212
(B) of this section with the project owner's or equity owner's 213
tax return or report. Upon request of the tax commissioner or 214
the superintendent of insurance, any project owner or equity 215
owner claiming a tax credit under this section shall provide the 216
commissioner or superintendent other documentation that may be 217
necessary to verify that the project owner or equity owner is 218
entitled to the credit. 219

(5) A project owner that is a pass-through entity may 220
allocate the credit authorized by this section to its equity 221
owners, and any such equity owner that is itself a pass-through 222

entity may reallocate its portion of a credit to its own equity 223
owners, under division (F) (2) of this section in any manner 224
agreed to by such persons regardless of whether such equity 225
owners are eligible for an allocation of the federal credit, 226
whether the allocation of the credit under the terms of the 227
agreement has substantial economic effect within the meaning of 228
section 704(b) of the Internal Revenue Code, and whether any 229
such person is deemed a partner of the project owner or equity 230
owner for federal income tax purposes as long as the equity 231
owner acquired its ownership interest prior to claiming the 232
credit. The allocation shall be allowed without regard to any 233
provision of the Internal Revenue Code, or regulation 234
promulgated pursuant to it, that may be interpreted as contrary 235
to the allocation, including, without limitation, the treatment 236
of the allocation as a disguised sale. 237

(6) An equity owner may assign all or any part of its 238
interest in a qualified project, including its interest in the 239
tax credits authorized by this section, to one or more other 240
equity owners, in whole or in part, one or more times, and each 241
assignee shall be able to claim the credit so long as its 242
interest is acquired prior to the filing of its tax return or 243
report or amended tax return or report claiming the credit and 244
the equity owner's ownership interest is identified in the 245
report required by division (I) of this section. Each equity 246
owner to whom the right to claim a tax credit authorized by this 247
section is assigned shall provide the designated reporter with 248
evidence of that transfer so the designated reporter may 249
identify the transferee in the report required by division (I) 250
of this section. 251

(G) If any portion of the federal credit allocated to a 252
qualified project is recaptured under section 42(j) of the 253

Internal Revenue Code or is otherwise disallowed, the director 254
shall recapture a proportionate amount of the tax credit claimed 255
pursuant to this section in connection with the same qualified 256
project. 257

If the director determines to recapture such a tax credit, 258
the director shall certify the name of each project owner and 259
the amount to be recaptured to the tax commissioner and to the 260
superintendent of insurance. The commissioner or superintendent 261
shall determine the taxpayer or taxpayers that claimed the 262
credit, the tax against which the credit was claimed, and the 263
amount to be recaptured and make an assessment against the 264
taxpayer or taxpayers under Chapter 5725., 5726., 5729., or 265
5747. of the Revised Code, as applicable, for the amount of the 266
tax credit to be recaptured. The time limitations on assessments 267
under those chapters do not bar an assessment made under this 268
division. Nothing in this section shall prohibit an assessment 269
that otherwise may be timely made by law. 270

(H) The director, in consultation with the tax 271
commissioner and the superintendent of insurance, shall adopt 272
any rules necessary to implement this section in accordance with 273
Chapter 119. of the Revised Code. Notwithstanding any provision 274
of section 121.95 of the Revised Code to the contrary, a 275
regulatory restriction contained in a rule adopted under 276
division (H) of this section is not subject to sections 121.95 277
to 121.953 of the Revised Code. 278

(I) (1) Each project owner shall designate itself or one of 279
its equity owners as designated reporter. The designation shall 280
be made to the tax commissioner and superintendent of insurance 281
at the time and in the manner prescribed by the commissioner and 282
superintendent. 283

(2) For each calendar year, a designated reporter shall 284
provide the tax commissioner and the superintendent of 285
insurance, at the time and in the form prescribed by the tax 286
commissioner in consultation with the superintendent of 287
insurance, a summary report of all pass-through certifications 288
issued, and assignment notifications received pursuant to 289
division (F)(6) of this section, in connection with a qualified 290
project. The report shall contain all of the following: 291

(a) The name, address, and taxpayer identification number 292
of each equity owner that has been allocated a portion of the 293
annual credit awarded by the eligibility certificate for that 294
year; 295

(b) The amount of the annual credit allocated to each such 296
equity owner for such year and the tax against which the credit 297
will be claimed; 298

(c) The total of the amounts listed for each equity owner 299
under division (I)(1)(b) of this section; 300

(d) The annual credit amount. 301

(3) A designated reporter shall notify the tax 302
commissioner and the superintendent of insurance of any changes 303
to the information reported in division (I)(2) of this section 304
in the time and manner prescribed by the commissioner and 305
superintendent. 306

(4) No credit allocated under this section may be claimed 307
by an equity owner for a year unless that equity owner and the 308
amount of the credit allocated to that owner appear on the 309
report required by division (I)(1) of this section for that 310
year. 311

(J) The Ohio housing finance agency shall disclose to the 312

tax commissioner and the superintendent of insurance any 313
information in the possession of the agency that is necessary to 314
ensure compliance with the laws of this state governing taxation 315
and to verify information reported to the agency, commissioner, 316
or superintendent pursuant to this section. If not provided upon 317
the agency's initiative, the tax commissioner may request such 318
information and the agency shall respond with the requested 319
information. 320

Sec. 5703.21. (A) Except as provided in divisions (B) and 321
(C) of this section, no agent of the department of taxation, 322
except in the agent's report to the department or when called on 323
to testify in any court or proceeding, shall divulge any 324
information acquired by the agent as to the transactions, 325
property, or business of any person while acting or claiming to 326
act under orders of the department. Whoever violates this 327
provision shall thereafter be disqualified from acting as an 328
officer or employee or in any other capacity under appointment 329
or employment of the department. 330

(B) (1) For purposes of an audit pursuant to section 117.15 331
of the Revised Code, or an audit of the department pursuant to 332
Chapter 117. of the Revised Code, or an audit, pursuant to that 333
chapter, the objective of which is to express an opinion on a 334
financial report or statement prepared or issued pursuant to 335
division (A) (7) or (9) of section 126.21 of the Revised Code, 336
the officers and employees of the auditor of state charged with 337
conducting the audit shall have access to and the right to 338
examine any state tax returns and state tax return information 339
in the possession of the department to the extent that the 340
access and examination are necessary for purposes of the audit. 341
Any information acquired as the result of that access and 342
examination shall not be divulged for any purpose other than as 343

required for the audit or unless the officers and employees are 344
required to testify in a court or proceeding under compulsion of 345
legal process. Whoever violates this provision shall thereafter 346
be disqualified from acting as an officer or employee or in any 347
other capacity under appointment or employment of the auditor of 348
state. 349

(2) For purposes of an internal audit pursuant to section 350
126.45 of the Revised Code, the officers and employees of the 351
office of internal audit in the office of budget and management 352
charged with directing the internal audit shall have access to 353
and the right to examine any state tax returns and state tax 354
return information in the possession of the department to the 355
extent that the access and examination are necessary for 356
purposes of the internal audit. Any information acquired as the 357
result of that access and examination shall not be divulged for 358
any purpose other than as required for the internal audit or 359
unless the officers and employees are required to testify in a 360
court or proceeding under compulsion of legal process. Whoever 361
violates this provision shall thereafter be disqualified from 362
acting as an officer or employee or in any other capacity under 363
appointment or employment of the office of internal audit. 364

(3) As provided by section 6103(d)(2) of the Internal 365
Revenue Code, any federal tax returns or federal tax information 366
that the department has acquired from the internal revenue 367
service, through federal and state statutory authority, may be 368
disclosed to the auditor of state or the office of internal 369
audit solely for purposes of an audit of the department. 370

(4) For purposes of Chapter 3739. of the Revised Code, an 371
agent of the department of taxation may share information with 372
the division of state fire marshal that the agent finds during 373

the course of an investigation.	374
(C) Division (A) of this section does not prohibit any of	375
the following:	376
(1) Divulging information contained in applications,	377
complaints, and related documents filed with the department	378
under section 5715.27 of the Revised Code or in applications	379
filed with the department under section 5715.39 of the Revised	380
Code;	381
(2) Providing information to the office of child support	382
within the department of job and family services pursuant to	383
section 3125.43 of the Revised Code;	384
(3) Disclosing to the motor vehicle repair board any	385
information in the possession of the department that is	386
necessary for the board to verify the existence of an	387
applicant's valid vendor's license and current state tax	388
identification number under section 4775.07 of the Revised Code;	389
(4) Providing information to the administrator of workers'	390
compensation pursuant to sections 4123.271 and 4123.591 of the	391
Revised Code;	392
(5) Providing to the attorney general information the	393
department obtains under division (J) of section 1346.01 of the	394
Revised Code;	395
(6) Permitting properly authorized officers, employees, or	396
agents of a municipal corporation from inspecting reports or	397
information pursuant to section 718.84 of the Revised Code or	398
rules adopted under section 5745.16 of the Revised Code;	399
(7) Providing information regarding the name, account	400
number, or business address of a holder of a vendor's license	401

issued pursuant to section 5739.17 of the Revised Code, a holder 402
of a direct payment permit issued pursuant to section 5739.031 403
of the Revised Code, or a seller having a use tax account 404
maintained pursuant to section 5741.17 of the Revised Code, or 405
information regarding the active or inactive status of a 406
vendor's license, direct payment permit, or seller's use tax 407
account; 408

(8) Releasing invoices or invoice information furnished 409
under section 4301.433 of the Revised Code pursuant to that 410
section; 411

(9) Providing to a county auditor notices or documents 412
concerning or affecting the taxable value of property in the 413
county auditor's county. Unless authorized by law to disclose 414
documents so provided, the county auditor shall not disclose 415
such documents; 416

(10) Providing to a county auditor sales or use tax return 417
or audit information under section 333.06 of the Revised Code; 418

(11) Subject to section 4301.441 of the Revised Code, 419
disclosing to the appropriate state agency information in the 420
possession of the department of taxation that is necessary to 421
verify a permit holder's gallonage or noncompliance with taxes 422
levied under Chapter 4301. or 4305. of the Revised Code; 423

(12) Disclosing to the department of natural resources 424
information in the possession of the department of taxation that 425
is necessary for the department of taxation to verify the 426
taxpayer's compliance with section 5749.02 of the Revised Code 427
or to allow the department of natural resources to enforce 428
Chapter 1509. of the Revised Code; 429

(13) Disclosing to the department of job and family 430

services, industrial commission, and bureau of workers' 431
compensation information in the possession of the department of 432
taxation solely for the purpose of identifying employers that 433
misclassify employees as independent contractors or that fail to 434
properly report and pay employer tax liabilities. The department 435
of taxation shall disclose only such information that is 436
necessary to verify employer compliance with law administered by 437
those agencies. 438

(14) Disclosing to the Ohio casino control commission 439
information in the possession of the department of taxation that 440
is necessary to verify a casino operator's or sports gaming 441
proprietor's compliance with section 5747.063, 5753.02, or 442
5753.021 of the Revised Code and sections related thereto; 443

(15) Disclosing to the state lottery commission 444
information in the possession of the department of taxation that 445
is necessary to verify a lottery sales agent's compliance with 446
section 5747.064 of the Revised Code. 447

(16) Disclosing to the department of development 448
information in the possession of the department of taxation that 449
is necessary to ensure compliance with the laws of this state 450
governing taxation and to verify information reported to the 451
department of development for the purpose of evaluating 452
potential tax credits, tax deductions, grants, or loans. Such 453
information shall not include information received from the 454
internal revenue service the disclosure of which is prohibited 455
by section 6103 of the Internal Revenue Code. No officer, 456
employee, or agent of the department of development shall 457
disclose any information provided to the department of 458
development by the department of taxation under division (C) (16) 459
of this section except when disclosure of the information is 460

necessary for, and made solely for the purpose of facilitating, 461
the evaluation of potential tax credits, tax deductions, grants, 462
or loans. 463

(17) Disclosing to the department of insurance information 464
in the possession of the department of taxation that is 465
necessary to ensure a taxpayer's compliance with the 466
requirements with any tax credit administered by the department 467
of development and claimed by the taxpayer against any tax 468
administered by the superintendent of insurance. No officer, 469
employee, or agent of the department of insurance shall disclose 470
any information provided to the department of insurance by the 471
department of taxation under division (C)(17) of this section. 472

(18) Disclosing to the division of liquor control 473
information in the possession of the department of taxation that 474
is necessary for the division and department to comply with the 475
requirements of sections 4303.26 and 4303.271 of the Revised 476
Code. 477

(19) Disclosing to the department of education, upon that 478
department's request, information in the possession of the 479
department of taxation that is necessary only to verify whether 480
the family income of a student applying for or receiving a 481
scholarship under the educational choice scholarship pilot 482
program is equal to, less than, or greater than the income 483
thresholds prescribed by section 3310.032 of the Revised Code. 484
The department of education shall provide sufficient information 485
about the student and the student's family to enable the 486
department of taxation to make the verification. 487

(20) Disclosing to the Ohio rail development commission 488
information in the possession of the department of taxation that 489
is necessary to ensure compliance with the laws of this state 490

governing taxation and to verify information reported to the 491
commission for the purpose of evaluating potential grants or 492
loans. Such information shall not include information received 493
from the internal revenue service the disclosure of which is 494
prohibited by section 6103 of the Internal Revenue Code. No 495
member, officer, employee, or agent of the Ohio rail development 496
commission shall disclose any information provided to the 497
commission by the department of taxation under division (C) (20) 498
of this section except when disclosure of the information is 499
necessary for, and made solely for the purpose of facilitating, 500
the evaluation of potential grants or loans. 501

(21) Disclosing to the state racing commission information 502
in the possession of the department of taxation that is 503
necessary for verification of compliance with and for 504
enforcement and administration of the taxes levied by Chapter 505
3769. of the Revised Code. Such information shall include 506
information that is necessary for the state racing commission to 507
verify compliance with Chapter 3769. of the Revised Code for the 508
purposes of issuance, denial, suspension, or revocation of a 509
permit pursuant to section 3769.03 or 3769.06 of the Revised 510
Code and related sections. Unless disclosure is otherwise 511
authorized by law, information provided to the state racing 512
commission under this section remains confidential and is not 513
subject to public disclosure pursuant to section 3769.041 of the 514
Revised Code. 515

(22) Disclosing to the state fire marshal information in 516
the possession of the department of taxation that is necessary 517
for the state fire marshal to verify the compliance of a 518
licensed manufacturer of fireworks or a licensed wholesaler of 519
fireworks with section 3743.22 of the Revised Code. No officer, 520
employee, or agent of the state fire marshal shall disclose any 521

information provided to the state fire marshal by the department 522
of taxation under division (C) (22) of this section. 523

(23) Disclosing to the department of job and family 524
services information in the possession of the department of 525
taxation for either of the following purposes: 526

(a) Making a determination under section 4141.28 of the 527
Revised Code; 528

(b) Verifying an individual's eligibility for a federal 529
program described in section 4141.163 of the Revised Code. 530

Such information shall not include information received 531
from the internal revenue service the disclosure of which is 532
prohibited by section 6103 of the Internal Revenue Code. 533

(24) Disclosing to the Ohio housing finance agency 534
information in the possession of the department of taxation that 535
is necessary to ensure compliance with the laws of this state 536
governing taxation and to verify information reported to the 537
Ohio housing finance agency relating to any tax credit 538
administered by the Ohio housing finance agency. 539

Such information shall not include information received 540
from the internal revenue service the disclosure of which is 541
prohibited by section 6103 of the Internal Revenue Code. 542

No officer, employee, or agent of the Ohio housing finance 543
agency shall disclose any information provided to the Ohio 544
housing finance agency by the department of taxation under 545
division (C) (24) of this section. 546

Sec. 5713.03. ~~(A)~~The county auditor, from the best 547
sources of information available, shall determine, as nearly as 548
practicable, the true value of the fee simple estate, as if 549

unencumbered but subject to any effects from the exercise of 550
police powers or from other governmental actions, of each 551
separate tract, lot, or parcel of real property and of 552
buildings, structures, and improvements located thereon and the 553
current agricultural use value of land valued for tax purposes 554
in accordance with section 5713.31 of the Revised Code, in every 555
district, according to the rules prescribed by this chapter and 556
section 5715.01 of the Revised Code, and in accordance with the 557
uniform rules and methods of valuing and assessing real property 558
as adopted, prescribed, and promulgated by the tax commissioner. 559
The auditor shall determine the taxable value of all real 560
property by reducing its true or current agricultural use value 561
by the percentage ordered by the commissioner. In determining 562
the true value of any tract, lot, or parcel of real estate under 563
this section, if such tract, lot, or parcel has been the subject 564
of an arm's length sale between a willing seller and a willing 565
buyer within a reasonable length of time, either before or after 566
the tax lien date, the auditor may consider the sale price of 567
such tract, lot, or parcel to be the true value for taxation 568
purposes. However, the sale price in an arm's length transaction 569
between a willing seller and a willing buyer shall not be 570
considered the true value of the property sold if subsequent to 571
the sale: 572

~~(1)~~ (A) The tract, lot, or parcel of real estate loses 573
value due to some casualty; 574

~~(2)~~ (B) An improvement is added to the property. 575

Nothing in this section or section 5713.01 of the Revised 576
Code and no rule adopted under section 5715.01 of the Revised 577
Code shall require the county auditor to change the true value 578
in money of any property in any year except a year in which the 579

tax commissioner is required to determine under section 5715.24 580
of the Revised Code whether the property has been assessed as 581
required by law. 582

~~(B) Pursuant to division (A) of this section, the county 583
auditor may determine the true value of real property that is 584
part of a qualified low income housing tax credit project 585
through use of one or more of the market data approach, the 586
income approach, or the cost approach. 587~~

~~As used in division (B) of this section, "low income 588
housing tax credit project" means a qualified low income housing 589
project during its compliance period, as those terms are defined 590
by section 42 of the Internal Revenue Code. 591~~

~~(C) The county auditor shall adopt and use a real property 592
record approved by the commissioner for each tract, lot, or 593
parcel of real property, setting forth the true and taxable 594
value of land and, in the case of land valued in accordance with 595
section 5713.31 of the Revised Code, its current agricultural 596
use value, the number of acres of arable land, permanent pasture 597
land, woodland, and wasteland in each tract, lot, or parcel. The 598
auditor shall record pertinent information and the true and 599
taxable value of each building, structure, or improvement to 600
land, which value shall be included as a separate part of the 601
total value of each tract, lot, or parcel of real property. 602~~

Sec. 5713.031. (A) As used in this section, "federally 603
subsidized residential rental property" means property to which 604
one or more of the following apply: 605

(1) It is part of a qualified low-income housing project, 606
through its compliance and extended use period, as those terms 607
are defined in section 42 of the Internal Revenue Code, or any 608

other period during which it is similarly restricted under 609
section 42 of the Internal Revenue Code. 610

(2) It receives assistance pursuant to section 202 of the 611
"Housing Act of 1959," 12 U.S.C. 1701q, and remains restricted 612
pursuant to that section. 613

(3) Property that receives assistance pursuant to Section 614
811 of the "Cranston-Gonzalez National Affordable Housing Act," 615
42 U.S.C. 8013, and remains restricted pursuant to that section; 616

(4) Property that receives project-based assistance 617
pursuant to section 8 of the "United States Housing Act of 618
1937," 42 U.S.C. 1437f, and remains restricted pursuant to that 619
section; 620

(5) Property that receives assistance pursuant to section 621
515 of the "Housing Act of 1949," 42 U.S.C. 1485, and remains 622
restricted pursuant to that section; 623

(6) Property that receives assistance pursuant to section 624
538 of the "Housing Act of 1949," 42 U.S.C. 1490p-2, and remains 625
restricted pursuant to that section; 626

(7) Property that receives assistance pursuant to section 627
521 of the "Housing Act of 1949," 42 U.S.C. 1490a, and remains 628
restricted pursuant to that section; 629

(B) An owner of federally subsidized residential rental 630
property shall file with the county auditor of the county in 631
which the property is located the following information from the 632
preceding calendar year or up to three preceding calendar years, 633
as applicable: 634

(1) The operating income of the property which shall 635
include gross potential rent, any forgiveness of or allowance 636

received for losses due to vacancy or unpaid rent, and any 637
income derived from other recurring sources; 638

(2) The operating expenses of the property including all 639
non-capitalized expenses related to staffing, utilities, 640
repairs, supplies, telecommunication, management fees, audits, 641
legal and contract services, and any other expense a prospective 642
buyer might consider in purchasing the property. Real property 643
taxes, depreciation, and amortization expenses and replacement 644
of short-term capitalized assets shall be excluded from 645
operating expenses. 646

(3) The annual amount of contribution to replacement 647
reserve funds or accounts related to the property. 648

(C) (1) The information required under division (B) of this 649
section shall be filed by the owner (a) before the property is 650
placed in service, using pro forma figures, (b) one year after 651
the property reaches ninety per cent occupancy, and (c) each 652
following year to which section 5715.24 of the Revised Code 653
applies in the county, on or before the first day of April. Each 654
such filing in a reappraisal or update year shall report the 655
information required under division (B) of this section for the 656
preceding three calendar years or for the period of time the 657
property has been in operation, if less than three years. 658

(2) Information filed under this section after a property 659
has been placed in service shall have first been audited by an 660
independent public accountant or auditor or a certified public 661
accountant prior to filing. If such an audit is not completed by 662
the first day of April, the owner of the property shall file 663
updated records within thirty days after the completion of such 664
an audit. 665

(3) If a property owner fails to timely submit the 666
information required under division (B) of this section, the 667
county auditor is not required to value the property in 668
accordance with division (A)(4) of section 5715.01 of the 669
Revised Code for any applicable tax year to which that division 670
would have applied and shall otherwise proceed under section 671
5713.01 of the Revised Code to value the property in compliance 672
with Ohio Constitution, Article XII, Section 2 for that tax 673
year. 674

(D) The county auditor shall use the information submitted 675
under this section to determine the valuation of the property 676
pursuant to rules adopted under division (A)(4) of section 677
5715.01 of the Revised Code. 678

(E) Any information submitted under this section is not a 679
public record for purposes of section 149.43 of the Revised Code 680
and shall not be disclosed except as necessary to administer 681
this section and section 5715.01 of the Revised Code. 682

Sec. 5715.01. (A) The tax commissioner shall direct and 683
supervise the assessment for taxation of all real property. The 684
commissioner shall adopt, prescribe, and promulgate rules for 685
the determination of true value and taxable value of real 686
property by uniform rule for such values and for the 687
determination of the current agricultural use value of land 688
devoted exclusively to agricultural use. 689

(1) The uniform rules shall prescribe methods of 690
determining the true value and taxable value of real property. 691
The rules shall provide that in determining the true value of 692
lands or improvements thereon for tax purposes, all facts and 693
circumstances relating to the value of the property, its 694
availability for the purposes for which it is constructed or 695

being used, its obsolete character, if any, the income capacity 696
of the property, if any, and any other factor that tends to 697
prove its true value shall be used. In determining the true 698
value of minerals or rights to minerals for the purpose of real 699
property taxation, the tax commissioner shall not include in the 700
value of the minerals or rights to minerals the value of any 701
tangible personal property used in the recovery of those 702
minerals. 703

(2) The uniform rules shall prescribe the method for 704
determining the current agricultural use value of land devoted 705
exclusively to agricultural use, which method shall reflect 706
standard and modern appraisal techniques that take into 707
consideration the productivity of the soil under normal 708
management practices, typical cropping and land use patterns, 709
the average price patterns of the crops and products produced 710
and the typical production costs to determine the net income 711
potential to be capitalized, and other pertinent factors. 712

In determining the agricultural land capitalization rate 713
to be applied to the net income potential from agricultural use, 714
the commissioner shall use standard and modern appraisal 715
techniques. In calculating the capitalization rate for any year, 716
the commissioner shall comply with both of the following 717
requirements: 718

(a) The commissioner shall use an equity yield rate equal 719
to the greater of (i) the average of the total rates of return 720
on farm equity for the twenty-five most recent years for which 721
those rates have been calculated and published by the United 722
States department of agriculture economic research service or 723
another published source or (ii) the loan interest rate the 724
commissioner uses for that year to calculate the capitalization 725

rate; 726

(b) The commissioner shall assume that the holding period 727
for agricultural land is twenty-five years for the purpose of 728
computing buildup of equity or appreciation with respect to that 729
land. 730

The commissioner shall add to the overall capitalization 731
rate a tax additur. The sum of the overall capitalization rate 732
and the tax additur shall represent as nearly as possible the 733
rate of return a prudent investor would expect from an average 734
or typical farm in this state considering only agricultural 735
factors. 736

The commissioner shall annually determine and announce the 737
overall capitalization rate, tax additur, agricultural land 738
capitalization rate, and the individual components used in 739
computing such amounts in a determination, finding, computation, 740
or order of the commissioner published simultaneously with the 741
commissioner's annual publication of the per-acre agricultural 742
use values for each soil type. 743

(3) Notwithstanding any other provision of this chapter 744
and Chapter 5713. of the Revised Code, the current agricultural 745
use value of land devoted exclusively to agricultural use shall 746
equal the following amounts for the years specified: 747

(a) In counties that undergo a reappraisal or triennial 748
update in 2017, the current agricultural use value of the land 749
for each of the 2017, 2018, and 2019 tax years shall equal the 750
sum of the following amounts: 751

(i) The current agricultural use value of the land for 752
that tax year, as determined under this section and section 753
5713.31 of the Revised Code, and rules adopted pursuant those 754

sections, without regard to the adjustment under division (A) (3) 755
(a) (ii) of this section; 756

(ii) One-half of the amount, if any, by which the value of 757
the land for the 2016 tax year, as determined under this 758
section, section 5713.31 of the Revised Code, and the rules 759
adopted pursuant those sections and issued by the tax 760
commissioner for counties undergoing a reappraisal or triennial 761
update in the 2016 tax year, exceeds the value determined under 762
division (A) (3) (a) (i) of this section. 763

(b) In counties that undergo a reappraisal or triennial 764
update in 2018, the current agricultural use value of the land 765
for each of the 2018, 2019, and 2020 tax years shall equal the 766
sum of the following amounts: 767

(i) The current agricultural use value of the land for 768
that tax year, as determined under this section and section 769
5713.31 of the Revised Code, and rules adopted pursuant those 770
sections, without regard to the adjustment under division (A) (3) 771
(b) (ii) of this section; 772

(ii) One-half of the amount, if any, by which the value of 773
the land for the 2017 tax year, as determined under this 774
section, section 5713.31 of the Revised Code, and the rules 775
adopted pursuant those sections and issued by the tax 776
commissioner for counties undergoing a reappraisal or triennial 777
update in the 2017 tax year, exceeds the value determined under 778
division (A) (3) (b) (i) of this section. 779

(c) In counties that undergo a reappraisal or triennial 780
update in 2019, the current agricultural use value of the land 781
for each of the 2019, 2020, and 2021 tax years shall equal the 782
sum of the following amounts: 783

(i) The current agricultural use value of the land for 784
that tax year, as determined under this section and section 785
5713.31 of the Revised Code, and rules adopted pursuant those 786
sections, without regard to the adjustment under division (A) (3) 787
(c) (ii) of this section; 788

(ii) One-half of the amount, if any, by which the value of 789
the land for the 2018 tax year, as determined under this 790
section, section 5713.31 of the Revised Code, and the rules 791
adopted pursuant those sections and issued by the tax 792
commissioner for counties undergoing a reappraisal or triennial 793
update in the 2018 tax year, exceeds the value determined under 794
division (A) (3) (c) (i) of this section. 795

(4) The uniform rules shall prescribe the method for 796
determining the value of federally subsidized residential rental 797
property through the use of a formula that uses the following 798
factors: 799

(a) Up to three years of operating income of the property, 800
which includes gross potential rent, and any income derived from 801
other recurring sources as reported by the property owner to the 802
county auditor under section 5713.031 of the Revised Code. 803
Operating income shall include an allowance for vacancy losses, 804
which shall be presumed to be four per cent of gross potential 805
rent, and unpaid rent losses, which shall be presumed to be 806
three per cent of gross potential rent. These presumptive 807
amounts may be exceeded with evidence demonstrating the actual 808
income of the property. 809

(b) Operating expenses of the property, which shall be 810
presumed to be fifty per cent of operating income plus utility 811
expenses as reported by the property owner to the county auditor 812
under section 5713.031 of the Revised Code. Operating expenses 813

shall also include replacement reserve fund or account 814
contributions which shall be presumed to be five per cent of 815
gross potential rent. These presumptive amounts may be exceeded 816
with evidence demonstrating the actual expenses of the property. 817
Real property taxes, depreciation, and amortization expenses and 818
replacement of short-term capitalized assets shall be excluded 819
from operating expenses. 820

(c) A market-appropriate, uniform capitalization rate plus 821
a tax additur accounting for the real property tax rate of the 822
property's location. For federally subsidized residential rental 823
property described in division (A) (1) of section 5713.031 of the 824
Revised Code, one percentage point shall be subtracted from the 825
uniform capitalization rate. 826

The uniform rules shall also prescribe a minimum total 827
value for federally subsidized residential rental property, 828
including the property's land and improvements, of five thousand 829
dollars multiplied by the number of dwelling units comprising 830
the property or one hundred fifty per cent of the property's 831
unimproved land value, whichever is greater. The formula and 832
other rules adopted by the commissioner pursuant to this 833
division shall comply with Ohio Constitution, Article XII, 834
Section 2. 835

As used in division (A) (4) of this section, "federally 836
subsidized residential rental property" has the same meaning as 837
in section 5713.031 of the Revised Code and "dwelling unit" has 838
the same meaning as in section 5321.01 of the Revised Code. 839

(B) The taxable value shall be that per cent of true value 840
in money, or current agricultural use value in the case of land 841
valued in accordance with section 5713.31 of the Revised Code, 842
the commissioner by rule establishes, but it shall not exceed 843

thirty-five per cent. The uniform rules shall also prescribe 844
methods of making the appraisals set forth in section 5713.03 of 845
the Revised Code. The taxable value of each tract, lot, or 846
parcel of real property and improvements thereon, determined in 847
accordance with the uniform rules and methods prescribed 848
thereby, shall be the taxable value of the tract, lot, or parcel 849
for all purposes of sections 5713.01 to 5713.26, 5715.01 to 850
5715.51, and 5717.01 to 5717.06 of the Revised Code. County 851
auditors shall, under the direction and supervision of the 852
commissioner, be the chief assessing officers of their 853
respective counties, and shall list and value the real property 854
within their respective counties for taxation in accordance with 855
this section and sections 5713.03 and 5713.31 of the Revised 856
Code and with such rules of the commissioner. There shall also 857
be a board in each county, known as the county board of 858
revision, which shall hear complaints and revise assessments of 859
real property for taxation. 860

(C) The commissioner shall neither adopt nor enforce any 861
rule that requires true value for any tax year to be any value 862
other than the true value in money on the tax lien date of such 863
tax year or that requires taxable value to be obtained in any 864
way other than by reducing the true value, or in the case of 865
land valued in accordance with section 5713.31 of the Revised 866
Code, its current agricultural use value, by a specified, 867
uniform percentage. 868

Sec. 5725.36. (A) Terms used in this section have the same 869
meanings as in section 175.16 of the Revised Code. 870

(B) There is allowed a nonrefundable tax credit against 871
the tax imposed by section 5725.18 of the Revised Code for a 872
domestic insurance company that is allocated a credit issued by 873

the executive director of the Ohio housing finance agency under 874
section 175.16 of the Revised Code. The credit equals the amount 875
allocated to such company for the calendar year and reported by 876
the designated reporter on the form prescribed by division (I) 877
of section 175.16 of the Revised Code. 878

The credit authorized in this section shall be claimed in 879
the order required under section 5725.98 of the Revised Code. If 880
the amount of a credit exceeds the tax otherwise due under 881
section 5725.18 of the Revised Code after deducting all other 882
credits preceding the credit in the order prescribed in section 883
5725.98 of the Revised Code, the excess may be carried forward 884
for not more than five ensuing calendar years. The amount of the 885
excess credit claimed in any such year shall be deducted from 886
the balance carried forward to the next calendar year. 887

No credit shall be claimed under this section to the 888
extent the credit was claimed under section 5726.58, 5729.19, or 889
5747.85 of the Revised Code. 890

Sec. 5725.98. (A) To provide a uniform procedure for 891
calculating the amount of tax imposed by section 5725.18 of the 892
Revised Code that is due under this chapter, a taxpayer shall 893
claim any credits and offsets against tax liability to which it 894
is entitled in the following order: 895

The credit for an insurance company or insurance company 896
group under section 5729.031 of the Revised Code; 897

The credit for eligible employee training costs under 898
section 5725.31 of the Revised Code; 899

The credit for purchasers of qualified low-income 900
community investments under section 5725.33 of the Revised Code; 901

The nonrefundable job retention credit under division (B) 902

of section 122.171 of the Revised Code;	903
The nonrefundable credit for investments in rural business growth funds under section 122.152 of the Revised Code;	904 905
<u>The nonrefundable Ohio low-income housing tax credit under section 5725.36 of the Revised Code;</u>	906 907
The nonrefundable credit for contributing capital to a transformational mixed use development project under section 5725.35 of the Revised Code;	908 909 910
The offset of assessments by the Ohio life and health insurance guaranty association permitted by section 3956.20 of the Revised Code;	911 912 913
The refundable credit for rehabilitating a historic building under section 5725.34 of the Revised Code;	914 915
The refundable credit for Ohio job retention under former division (B) (2) or (3) of section 122.171 of the Revised Code as those divisions existed before September 29, 2015, the effective date of the amendment of this section by H.B. 64 of the 131st general assembly;	916 917 918 919 920
The refundable credit for Ohio job creation under section 5725.32 of the Revised Code;	921 922
The refundable credit under section 5725.19 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code.	923 924 925
(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried	926 927 928 929 930

forward if authorized under the section creating that credit. 931
Nothing in this chapter shall be construed to allow a taxpayer 932
to claim, directly or indirectly, a credit more than once for a 933
taxable year. 934

Sec. 5726.58. (A) Terms used in this section have the same 935
meanings as in section 175.16 of the Revised Code. 936

(B) A taxpayer may claim a nonrefundable tax credit 937
against the tax imposed under section 5736.02 of the Revised 938
Code for each person included in the annual report of the 939
taxpayer that is allocated a credit issued by the executive 940
director of the Ohio housing finance agency under section 175.16 941
of the Revised Code. The credit equals the amount allocated to 942
such person for the taxable year and reported by the designated 943
reporter on the form prescribed by division (I) of section 944
175.16 of the Revised Code. 945

The credit authorized in this section shall be claimed in 946
the order required under section 5726.98 of the Revised Code. If 947
the amount of a credit exceeds the tax otherwise due under 948
section 5726.02 of the Revised Code after deducting all other 949
credits preceding the credit in the order prescribed in section 950
5726.98 of the Revised Code, the excess may be carried forward 951
for not more than five ensuing tax years. The amount of the 952
excess credit claimed in any such year shall be deducted from 953
the balance carried forward to the next tax year. 954

No credit shall be claimed under this section to the 955
extent the credit was claimed under section 5725.36, 5729.19, or 956
5747.85 of the Revised Code. 957

Sec. 5726.98. (A) To provide a uniform procedure for 958
calculating the amount of tax due under section 5726.02 of the 959

Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled under this chapter in the following order:

The nonrefundable job retention credit under division (B) of section 5726.50 of the Revised Code;

The nonrefundable credit for purchases of qualified low-income community investments under section 5726.54 of the Revised Code;

The nonrefundable credit for qualified research expenses under section 5726.56 of the Revised Code;

The nonrefundable credit for qualifying dealer in intangibles taxes under section 5726.57 of the Revised Code;

The nonrefundable Ohio low-income housing tax credit under section 5726.58 of the Revised Code;

The refundable credit for rehabilitating an historic building under section 5726.52 of the Revised Code;

The refundable job retention or job creation credit under division (A) of section 5726.50 of the Revised Code;

The refundable credit under section 5726.53 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;

The refundable motion picture and Broadway theatrical production credit under section 5726.55 of the Revised Code.

(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried

forward if authorized under the section creating that credit. 987
Nothing in this chapter shall be construed to allow a taxpayer 988
to claim, directly or indirectly, a credit more than once for a 989
taxable year. 990

Sec. 5729.19. (A) Terms used in this section have the same 991
meanings as in section 175.16 of the Revised Code. 992

(B) There is allowed a nonrefundable tax credit against 993
the tax imposed by section 5729.03 or 5729.06 of the Revised 994
Code for a foreign insurance company that is allocated a credit 995
issued by the executive director of the Ohio housing finance 996
agency under section 175.16 of the Revised Code. The credit 997
equals the amount allocated to such company for the calendar 998
year and reported by the designated reporter on the form 999
prescribed by division (I) of section 175.16 of the Revised 1000
Code. 1001

The credit authorized in this section shall be claimed in 1002
the order required under section 5729.98 of the Revised Code. If 1003
the amount of a credit exceeds the tax otherwise due under 1004
section 5729.03 or 5729.06 of the Revised Code after deducting 1005
all other credits preceding the credit in the order prescribed 1006
in section 5725.98 of the Revised Code, the excess may be 1007
carried forward for not more than five ensuing calendar years. 1008
The amount of the excess credit claimed in any such year shall 1009
be deducted from the balance carried forward to the next 1010
calendar year. 1011

No credit shall be claimed under this section to the 1012
extent the credit was claimed under section 5725.36, 5726.58, or 1013
5747.85 of the Revised Code. 1014

A foreign insurance company shall not be required to pay 1015

any additional tax levied under section 5729.06 of the Revised 1016
Code as a result of claiming the tax credit authorized by this 1017
section. 1018

Sec. 5729.98. (A) To provide a uniform procedure for 1019
calculating the amount of tax due under this chapter, a taxpayer 1020
shall claim any credits and offsets against tax liability to 1021
which it is entitled in the following order: 1022

The credit for an insurance company or insurance company 1023
group under section 5729.031 of the Revised Code; 1024

The credit for eligible employee training costs under 1025
section 5729.07 of the Revised Code; 1026

The credit for purchases of qualified low-income community 1027
investments under section 5729.16 of the Revised Code; 1028

The nonrefundable job retention credit under division (B) 1029
of section 122.171 of the Revised Code; 1030

The nonrefundable credit for investments in rural business 1031
growth funds under section 122.152 of the Revised Code; 1032

The nonrefundable Ohio low-income housing tax credit under 1033
section 5729.19 of the Revised Code; 1034

The nonrefundable credit for contributing capital to a 1035
transformational mixed use development project under section 1036
5729.18 of the Revised Code; 1037

The offset of assessments by the Ohio life and health 1038
insurance guaranty association against tax liability permitted 1039
by section 3956.20 of the Revised Code; 1040

The refundable credit for rehabilitating a historic 1041
building under section 5729.17 of the Revised Code; 1042

The refundable credit for Ohio job retention under former 1043
division (B) (2) or (3) of section 122.171 of the Revised Code as 1044
those divisions existed before September 29, 2015, the effective 1045
date of the amendment of this section by H.B. 64 of the 131st 1046
general assembly; 1047

The refundable credit for Ohio job creation under section 1048
5729.032 of the Revised Code; 1049

The refundable credit under section 5729.08 of the Revised 1050
Code for losses on loans made under the Ohio venture capital 1051
program under sections 150.01 to 150.10 of the Revised Code. 1052

(B) For any credit except the refundable credits 1053
enumerated in this section, the amount of the credit for a 1054
taxable year shall not exceed the tax due after allowing for any 1055
other credit that precedes it in the order required under this 1056
section. Any excess amount of a particular credit may be carried 1057
forward if authorized under the section creating that credit. 1058
Nothing in this chapter shall be construed to allow a taxpayer 1059
to claim, directly or indirectly, a credit more than once for a 1060
taxable year. 1061

Sec. 5747.85. (A) Terms used in this section have the same 1062
meanings as in section 175.16 of the Revised Code. 1063

(B) There is hereby allowed a nonrefundable credit against 1064
a taxpayer's aggregate tax liability under section 5747.02 of 1065
the Revised Code for a taxpayer that is allocated a credit 1066
issued by the executive director of the Ohio housing finance 1067
agency under section 175.16 of the Revised Code. The credit 1068
equals the amount allocated to such taxpayer for the taxable 1069
year that begins in the calendar year for which the designated 1070
reporter files the form prescribed by division (I) of section 1071

175.16 of the Revised Code. 1072

The credit shall be claimed in the order required under 1073
section 5747.98 of the Revised Code. If the credit exceeds the 1074
taxpayer's aggregate tax due under section 5747.02 of the 1075
Revised Code for that taxable year after allowing for credits 1076
that precede the credit under this section in that order, such 1077
excess shall be allowed as a credit in each of the ensuing five 1078
taxable years, but the amount of any excess credit allowed in 1079
any such taxable year shall be deducted from the balance carried 1080
forward to the ensuing taxable year. 1081

No credit shall be claimed under this section to the 1082
extent the credit was claimed under section 5725.36, 5726.58, or 1083
5729.19 of the Revised Code. 1084

Sec. 5747.98. (A) To provide a uniform procedure for 1085
calculating a taxpayer's aggregate tax liability under section 1086
5747.02 of the Revised Code, a taxpayer shall claim any credits 1087
to which the taxpayer is entitled in the following order: 1088

Either the retirement income credit under division (B) of 1089
section 5747.055 of the Revised Code or the lump sum retirement 1090
income credits under divisions (C), (D), and (E) of that 1091
section; 1092

Either the senior citizen credit under division (F) of 1093
section 5747.055 of the Revised Code or the lump sum 1094
distribution credit under division (G) of that section; 1095

The dependent care credit under section 5747.054 of the 1096
Revised Code; 1097

The credit for displaced workers who pay for job training 1098
under section 5747.27 of the Revised Code; 1099

The campaign contribution credit under section 5747.29 of the Revised Code;	1100 1101
The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	1102 1103
The joint filing credit under division (G) of section 5747.05 of the Revised Code;	1104 1105
The earned income credit under section 5747.71 of the Revised Code;	1106 1107
The nonrefundable credit for education expenses under section 5747.72 of the Revised Code;	1108 1109
The nonrefundable credit for donations to scholarship granting organizations under section 5747.73 of the Revised Code;	1110 1111 1112
The nonrefundable credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;	1113 1114 1115
The nonrefundable vocational job credit under section 5747.057 of the Revised Code;	1116 1117
The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	1118 1119
The enterprise zone credit under section 5709.66 of the Revised Code;	1120 1121
The credit for beginning farmers who participate in a financial management program under division (B) of section 5747.77 of the Revised Code;	1122 1123 1124
The credit for commercial vehicle operator training expenses under section 5747.82 of the Revised Code;	1125 1126

The credit for selling or renting agricultural assets to beginning farmers under division (A) of section 5747.77 of the Revised Code;	1127 1128 1129
The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	1130 1131
The small business investment credit under section 5747.81 of the Revised Code;	1132 1133
The nonrefundable lead abatement credit under section 5747.26 of the Revised Code;	1134 1135
The opportunity zone investment credit under section 122.84 of the Revised Code;	1136 1137
The enterprise zone credits under section 5709.65 of the Revised Code;	1138 1139
The research and development credit under section 5747.331 of the Revised Code;	1140 1141
The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	1142 1143
The nonresident credit under division (A) of section 5747.05 of the Revised Code;	1144 1145
The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	1146 1147
<u>The nonrefundable Ohio low-income housing tax credit under section 5747.85 of the Revised Code;</u>	1148 1149
The refundable motion picture and Broadway theatrical production credit under section 5747.66 of the Revised Code;	1150 1151
The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised	1152 1153

Code;	1154
The refundable credit for taxes paid by a qualifying	1155
entity granted under section 5747.059 of the Revised Code;	1156
The refundable credits for taxes paid by a qualifying	1157
pass-through entity granted under division (I) of section	1158
5747.08 of the Revised Code;	1159
The refundable credit under section 5747.80 of the Revised	1160
Code for losses on loans made to the Ohio venture capital	1161
program under sections 150.01 to 150.10 of the Revised Code;	1162
The refundable credit for rehabilitating a historic	1163
building under section 5747.76 of the Revised Code;	1164
The refundable credit under section 5747.39 of the Revised	1165
Code for taxes levied under section 5747.38 of the Revised Code	1166
paid by an electing pass-through entity.	1167
(B) For any credit, except the refundable credits	1168
enumerated in this section and the credit granted under division	1169
(H) of section 5747.08 of the Revised Code, the amount of the	1170
credit for a taxable year shall not exceed the taxpayer's	1171
aggregate amount of tax due under section 5747.02 of the Revised	1172
Code, after allowing for any other credit that precedes it in	1173
the order required under this section. Any excess amount of a	1174
particular credit may be carried forward if authorized under the	1175
section creating that credit. Nothing in this chapter shall be	1176
construed to allow a taxpayer to claim, directly or indirectly,	1177
a credit more than once for a taxable year.	1178
Section 2. That existing sections 175.12, 5703.21,	1179
5713.03, 5715.01, 5725.98, 5726.98, 5729.98, and 5747.98 of the	1180
Revised Code are hereby repealed.	1181

Section 3. The General Assembly, applying the principle 1182
stated in division (B) of section 1.52 of the Revised Code that 1183
amendments are to be harmonized if reasonably capable of 1184
simultaneous operation, finds that the following sections, 1185
presented in this act as composites of the sections as amended 1186
by the acts indicated, are the resulting versions of the 1187
sections in effect prior to the effective date of the sections 1188
as presented in this act: 1189

Section 5725.98 of the Revised Code as amended by both 1190
H.B. 197 and S.B. 39 of the 133rd General Assembly. 1191

Section 5729.98 of the Revised Code as amended by both 1192
H.B. 197 and S.B. 39 of the 133rd General Assembly. 1193

Section 5747.98 of the Revised Code as amended by both 1194
H.B. 45 and H.B. 66 of the 134th General Assembly. 1195