



Rep. Martha Deuter

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10400HB4841ham001

LRB104 18803 HLH 35693 a

1 AMENDMENT TO HOUSE BILL 4841

2 AMENDMENT NO. _____. Amend House Bill 4841 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Income Tax Act is amended by
5 changing Section 214 as follows:

6 (35 ILCS 5/214)

7 Sec. 214. Tax credit for affordable housing donations.

8 (a) Beginning with taxable years ending on or after
9 December 31, 2001 and until the taxable year ending on
10 December 31, 2036 ~~December 31, 2026~~, a taxpayer who makes a
11 donation under Section 7.28 of the Illinois Housing
12 Development Act is entitled to a credit against the tax
13 imposed by subsections (a) and (b) of Section 201 in an amount
14 equal to 50% of the value of the donation. For taxable years
15 ending before December 31, 2023, partners, shareholders of
16 subchapter S corporations, and owners of limited liability

1 companies (if the limited liability company is treated as a
2 partnership for purposes of federal and State income taxation)
3 are entitled to a credit under this Section to be determined in
4 accordance with the determination of income and distributive
5 share of income under Sections 702 and 703 and subchapter S of
6 the Internal Revenue Code. For taxable years ending on or
7 after December 31, 2023, partners and shareholders of
8 subchapter S corporations are entitled to a credit under this
9 Section as provided in Section 251. Persons or entities not
10 subject to the tax imposed by subsections (a) and (b) of
11 Section 201 and who make a donation under Section 7.28 of the
12 Illinois Housing Development Act are entitled to a credit as
13 described in this subsection and may transfer that credit as
14 described in subsection (c).

15 (b) If the amount of the credit exceeds the tax liability
16 for the year, the excess may be carried forward and applied to
17 the tax liability of the 5 taxable years following the excess
18 credit year. The tax credit shall be applied to the earliest
19 year for which there is a tax liability. If there are credits
20 for more than one year that are available to offset a
21 liability, the earlier credit shall be applied first.

22 (c) The transfer of the tax credit allowed under this
23 Section may be made (i) to the purchaser of land that has been
24 designated solely for affordable housing projects in
25 accordance with the Illinois Housing Development Act or (ii)
26 to another donor who has also made a donation in accordance

1 with Section 7.28 of the Illinois Housing Development Act.

2 (d) A taxpayer claiming the credit provided by this
3 Section must maintain and record any information that the
4 Department may require by regulation regarding the project for
5 which the credit is claimed. When claiming the credit provided
6 by this Section, the taxpayer must provide information
7 regarding the taxpayer's donation to the project under the
8 Illinois Housing Development Act.

9 (Source: P.A. 102-16, eff. 6-17-21; 102-175, eff. 7-29-21;
10 103-396, eff. 1-1-24.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law."