

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**H. B. No. 84**

**Representatives Stinziano, Grossman**

**Cosponsors: Representatives Antonio, Mallory, Pillich, Reece**

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**A B I L L**

To amend section 5747.98 and to enact section 5747.78 1  
of the Revised Code to authorize a nonrefundable 2  
income tax credit for the purchase or construction 3  
of an accessible home or for the renovation of a 4  
home to improve its accessibility. 5

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

**Section 1.** That section 5747.98 be amended and section 6  
5747.78 of the Revised Code be enacted to read as follows: 7

**Sec. 5747.78.** (A)(1) A nonrefundable credit may be claimed 8  
against the tax imposed by section 5747.02 of the Revised Code by 9  
a taxpayer that renovates the taxpayer's existing residence, 10  
provided that the renovation is designed to improve accessibility 11  
and provide universal visitability in accordance with guidelines 12  
established by the development services agency. The amount of the 13  
credit shall equal fifty per cent of the total cost of the 14  
renovation, not to exceed five thousand dollars for the renovation 15  
of each existing residence. 16

(2) A nonrefundable credit may be claimed against the tax 17  
imposed by section 5747.02 of the Revised Code by a taxpayer that 18  
purchases or constructs a new residence or by a contractor that 19

incurs costs in constructing a new residential structure, provided 20  
that the new residence or residential structure includes designs 21  
that will provide accessibility and universal visitability in 22  
accordance with guidelines established by the development services 23  
agency. The amount of the credit shall equal the purchase price of 24  
the new residence or the costs incurred in constructing the new 25  
residence or residential structure, not to exceed five thousand 26  
dollars for the purchase or construction of each new residence or 27  
residential structure. As used in this section, "purchase of a new 28  
residence" means a transaction involving the first sale of a 29  
residence to a purchaser who intends to reside in the residence. 30

(B) A taxpayer may not claim a credit allowed under this 31  
section for the purchase, construction, or renovation of 32  
residential rental property. 33

(C)(1) As used in this division: 34

(a) "Total annual credit limit" means the total amount of all 35  
credits that may be authorized under this section for a calendar 36  
year. The total annual credit limit shall equal three hundred 37  
thousand dollars. 38

(b) "Transaction-specific credit limit" means the total 39  
amount of all credits that may be authorized under either division 40  
(A)(1) or (2) of this section for a calendar year. The 41  
transaction-specific credit limit for credits authorized under 42  
division (A)(1) of this section shall equal two hundred thousand 43  
dollars. The transaction-specific credit limit for credits 44  
authorized under division (A)(2) of this section shall equal one 45  
hundred thousand dollars. 46

(2) Eligible taxpayers shall apply for a credit allowed under 47  
this section by submitting an application to the development 48  
services agency. The agency shall prescribe the form of the 49  
application. Upon receipt of an application, the agency shall 50

approve the application if each of the following apply: 51

(a) The total annual credit limit and the applicable 52  
transaction-specific credit limit have not been reached for the 53  
calendar year in which the application is received. 54

(b) The agency has not previously approved a credit 55  
application relating to the same residence. 56

(c) The credit application does not relate to a transaction 57  
between a taxpayer and a member of the taxpayer's family or 58  
between a pass-through entity and a person that holds, directly or 59  
indirectly, an ownership interest in the entity. As used in this 60  
division, "family" has the same meaning as in section 5747.011 of 61  
the Revised Code. 62

(D) A taxpayer shall claim a credit authorized under division 63  
(C) of this section in the order required under section 5747.98 of 64  
the Revised Code. Any credit amount in excess of the tax due under 65  
this chapter after allowing for any other nonrefundable credits 66  
that precede the credit in the order specified under that section 67  
may be carried forward for seven taxable years, but the amount of 68  
the excess credit allowed in any such year shall be deducted from 69  
the balance carried forward to the next year. If the taxpayer is a 70  
direct or indirect investor in a pass-through entity that has 71  
engaged in a construction project under this section, the taxpayer 72  
may claim its proportionate or distributive share of the credit 73  
allowed under this section. 74

**Sec. 5747.98.** (A) To provide a uniform procedure for 75  
calculating the amount of tax due under section 5747.02 of the 76  
Revised Code, a taxpayer shall claim any credits to which the 77  
taxpayer is entitled in the following order: 78

(1) The retirement income credit under division (B) of 79  
section 5747.055 of the Revised Code; 80

(2) The senior citizen credit under division (C) of section 5747.05 of the Revised Code;	81 82
(3) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;	83 84
(4) The dependent care credit under section 5747.054 of the Revised Code;	85 86
(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	87 88
(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	89 90
(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	91 92
(8) The low-income credit under section 5747.056 of the Revised Code;	93 94
(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	95 96
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	97 98
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	99 100
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	101 102
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	103 104
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	105 106
(15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	107 108
(16) The credit for employers that reimburse employee child	109

care expenses under section 5747.36 of the Revised Code;	110
(17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	111 112
(18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	113 114
(19) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	115 116
(20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	117 118
(21) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	119 120 121
(22) The job training credit under section 5747.39 of the Revised Code;	122 123
(23) The enterprise zone credit under section 5709.66 of the Revised Code;	124 125
(24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	126 127
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	128 129
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	130 131
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	132 133
(28) The small business investment credit under section 5747.81 of the Revised Code;	134 135
(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	136 137
(30) The enterprise zone credits under section 5709.65 of the	138

Revised Code;	139
(31) The research and development credit under section 5747.331 of the Revised Code;	140 141
(32) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	142 143
(33) <u>The home accessibility credit under section 5747.78 of the Revised Code;</u>	144 145
<u>(34)</u> The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	146 147
<del>(34)</del> <u>(35)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	148 149
<del>(35)</del> <u>(36)</u> The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	150 151
<del>(36)</del> <u>(37)</u> The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;	152 153 154
<del>(37)</del> <u>(38)</u> The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;	155 156 157
<del>(38)</del> <u>(39)</u> The refundable motion picture production credit under section 5747.66 of the Revised Code.	158 159
<del>(39)</del> <u>(40)</u> The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code.	160 161 162
(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (I) of section 5747.08 of the Revised Code, 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	163 164 165 166 167 168

forward if authorized under the section creating that credit. 169  
Nothing in this chapter shall be construed to allow a taxpayer to 170  
claim, directly or indirectly, a credit more than once for a 171  
taxable year. 172

**Section 2.** That existing section 5747.98 of the Revised Code 173  
is hereby repealed. 174

**Section 3.** The amendment or enactment by this act of sections 175  
5747.78 and 5747.98 of the Revised Code shall apply to taxable 176  
years beginning on or after January 1, 2013. 177

**Section 4.** Section 5747.98 of the Revised Code is presented 178  
in this act as a composite of the section as amended by both Am. 179  
Sub. H.B. 386 and Am. Sub. H.B. 510 of the 129th General Assembly. 180  
The General Assembly, applying the principle stated in division 181  
(B) of section 1.52 of the Revised Code that amendments are to be 182  
harmonized if reasonably capable of simultaneous operation, finds 183  
that the composite is the resulting version of the section in 184  
effect prior to the effective date of the section as presented in 185  
this act. 186