

2022 Form M-990T Instructions

Major 2022 Tax Law Changes

For more up-to-date and detailed information and to view all of the public written statements referenced in these instructions, visit <http://www.mass.gov/dor>.

Filing Due Dates

Massachusetts General Laws (MGL) 62C, §§ 11 and 12 require C corporations to file their tax returns on or before the 15th day of the fourth month following the close of each taxable year. The filing due date for S corporation tax returns is the 15th day of the third month following the close of each taxable year. For more information, see Technical Information Release (TIR) 17-5.

For calendar year filers, April 15, 2023, when 2022 returns and payments would normally be due, is a Saturday, which extends the filing due date to the next business day. However, in Massachusetts, Monday, April 17, 2023, is Patriot's Day, a legal holiday in the Commonwealth. As a result, returns, payments made with returns, and estimated payments otherwise due on April 15, 2023, will be treated as timely if they are filed and/or paid on or before April 18, 2023.

Expansion of Mandatory Electronic Filing for Corporate Excise Returns

Effective for tax periods ending on or after December 31, 2021, electronic filing and payment of tax will be required of all business corporations and financial institutions subject to tax under MGL ch 63 with no income threshold. For more information, see TIR 21-9.

New-Massachusetts Schedule E (Form M-990T)

Beginning in 2022, a new Massachusetts Schedule E (Form M-990T) must be completed and submitted as part of taxpayer's Form M-990T tax return. To complete Schedule E the taxpayer should enter amounts directly as reported on U.S. Form 990-T, Schedule A and any other line items as reported on U.S. Form 990-T. The total income on Schedule E cannot be less than zero. Losses may be carried forward to future years.

When a taxpayer has multiple unrelated businesses, the taxable income for each unrelated business must be calculated separately and may not be less than zero. Losses from one business of the taxpayer may not be used to offset income from another business of the taxpayer. If one business of the taxpayer generates a loss, the taxpayer may only use that loss in future years to offset income of the business that originally generated it.

New-Ordinary and Necessary Business Expense Deductions Available for Licensed Massachusetts Marijuana Businesses

Internal Revenue Code (IRC) § 280E prohibits trades or businesses that traffic in controlled substances from claiming any ordinary and necessary business expense deductions provided by the IRC, other than for the cost of goods sold. As a result, because marijuana remains federally classified as a Schedule I controlled substance and is illegal to sell under federal law, licensed marijuana businesses are unable to claim ordinary and necessary business expense deductions for federal income tax purposes, other than for the cost of goods sold. Effective for taxable years beginning on or after January 1, 2022, Massachusetts decoupled from IRC § 280E with respect to licensed marijuana businesses only. As a result, a licensed Massachusetts

marijuana business can deduct ordinary and necessary business expenses that would otherwise be disallowed under IRC § 280E. See MGL ch 63, § 30.4 for more information.

Changes to Film Incentive Credits

Motion picture companies subject to tax under MGL ch 63 may claim credits with respect to certain payroll and production expenses. For taxable years beginning on or after January 1, 2022, in addition to meeting other requirements, a taxpayer must now either incur at least 75% of the motion picture's production expenses in Massachusetts or at least 75% of the motion picture's total principal photography days must take place in Massachusetts for the project to qualify for a credit for certain production expenses. A 50% threshold applies to prior taxable years. See TIR 22-5 for additional information.

Repeal of Deduction for Energy Patents

For taxable years beginning on or after January 1, 2022, corporations may no longer deduct income from certain patents that are useful for energy conservation or alternative energy development. See TIR 22-5 for more information.

Repeal of Medical Device User Fee Credit

For taxable years beginning on or after January 1, 2022, corporations that develop or manufacture medical devices in Massachusetts may no longer claim a credit for user fees they pay when submitting certain medical device applications and supplements to the Food and Drug Administration, as had been allowed in previous tax years. However, taxpayers will still be able to transfer previously awarded credits, and transferees will be able to apply unused amounts of the credit within five years of the credit's issuance. See TIR 22-5 for additional information.

Repeal of Harbor Maintenance Credit

For taxable years beginning on or after January 1, 2022, corporations may no longer claim a credit equal to certain harbor maintenance taxes paid to the federal government to the extent the taxes are attributable to the shipment of break-bulk or containerized cargo by sea and ocean-going vessels through one of three designated Massachusetts ports. Unused portions of the credit claimed in taxable years beginning before January 1, 2022, may be carried forward from the year claimed and used in any of the succeeding five taxable years. See TIR 22-5 for more information.

Federal Conformity

In recent years there have been a few federal acts that have had significant impact on the Massachusetts corporate and financial institution excise. Massachusetts generally conforms to the IRC as currently in effect for Massachusetts corporate and financial institution excise purposes. For more up-to-date and detailed information on tax changes and federal conformity, visit our website at www.mass.gov/dor.

General Instructions

Who Must File an Unrelated Business Income Tax Return?

Exempt corporations that have gross income from an unrelated trade or business and are required to file IRS Form 990-T, Exempt Organization Business Income Tax Return, are required to file Massachusetts Form M-990T if they have \$1,000 or more of federal gross income from an unrelated trade or business.

Exempt trusts and unincorporated associations with gross income from an unrelated trade or business that are subject to taxation under MGL ch 62 should file Massachusetts Form M-990T-62. However, pursuant to MGL ch 62, § 5(b), any stock bonus, pension, or profit-sharing trust qualifying under IRS § 401 or any individual retirement account qualifying under IRS § 408 is not subject to tax under MGL ch 62.

For additional information, see 830 CMR 63.38T.1, Taxation of Unrelated Business Income of Exempt Organizations and TIR 06-7.

What Is Nexus for Massachusetts Corporate Tax Purposes?

A corporation that owns or uses any part of its capital or other property, exercises or continues its charter or is qualified to, or is actually doing business in Massachusetts has nexus with the Commonwealth and must pay a corporate excise. Doing business in the state as referenced in MGL ch 63, § 39 includes:

- ▶ The maintenance of a place of business;
- ▶ The employment of labor;
- ▶ The buying, selling or procuring of services or property;
- ▶ The execution of contracts;
- ▶ The exercise or enforcement of contract rights;
- ▶ The consummation of greater than \$500,000 in sales (where the corporation has no other state contacts); and
- ▶ Each and every act, power, right, privilege, or immunity exercised or enjoyed in the Commonwealth, as an incident to or by virtue of the powers and privileges acquired by the nature of such organizations, as well as, the buying, selling or procuring of services or property.

The federal statute, PL 86-272, exempts from state net income-based taxation an out-of-state corporation whose sole interstate activities consist of the mere solicitation of orders for sales of tangible personal property filled by shipment or delivery from a point outside Massachusetts after such orders are sent outside the state for approval or rejection. PL 86-272 does not apply to a corporation that sells services or licenses intangible property in Massachusetts. Also, PL 86-272 does not apply where the in-state business activity by or on behalf of a corporation, however conducted, includes activity that is not entirely ancillary to the solicitation of orders of tangible personal property. Activities that take place after a sale will ordinarily not be considered entirely ancillary to the solicitation of such sale. A corporation that has nexus with the Commonwealth and is excluded from income-based taxation by PL 86-272 remains liable for the non-income measure of excise.

The following are activities that ordinarily fall within the scope of “solicitation” under PL 86-272:

- ▶ Activities including advertising related to generating retail demand for the products of a manufacturer or distributor by promoting the products to retailers who order the products from a wholesaler or other middleman;
- ▶ Carrying samples only for display or for distribution without charge or other consideration;
- ▶ Owning or furnishing automobiles to sales representatives, provided that the vehicles are used exclusively for solicitation purposes;
- ▶ Passing inquiries and complaints on to the home office;
- ▶ Incidental and minor advertising;
- ▶ Checking customers’ inventories for reorder only;

- ▶ Maintaining a sample or display area for an aggregate of 14 calendar days or less during the tax year, provided that no sales or other activities inconsistent with solicitation take place;
- ▶ Soliciting of sales by an in-state resident representative who maintains no in-state sales office or place of business; and
- ▶ Training or holding periodic meetings of sales representatives.

For further information on corporate nexus, refer to 830 CMR 63.39.1.

When Must Form M-990T Be Filed?

Form M-990T must be filed on or before the 15th day of the fourth month after the close of the corporation’s taxable year. A late return incurs a penalty of 1% per month (or fraction thereof), up to a maximum of 25% of the tax due. The penalty for late payment of the tax is 1% per month (or fraction thereof) of the balance due, up to a maximum of 25%.

For most calendar year filers, returns must be filed by April 18, 2023. See **Filing Due Dates** above.

Filing Amended Returns and Applications for Abatement for Business Taxes

DOR’s computerized tax system, MassTaxConnect, makes filing returns, submitting payments, and managing taxpayer accounts simpler, quicker, and more efficient than ever before. MassTaxConnect automates the amended return process, and in most cases separate from the abatement application process. For further information, see TIR 15-13.

Electronic Filing and Payment Requirements

Effective for tax periods ending on or after December 31, 2021, electronic filing and payment of tax will be required of all business corporations and financial institutions subject to tax under MGL ch 63, with no income threshold. For further information, see TIR 21-9.

Under TIR 21-9, where a return is required to be filed electronically, any schedules or supporting documents filed with the return must be submitted electronically. In addition, any amendment of that return, or request for abatement with respect to that return, must also be filed electronically.

TIR 16-9 requires that when a corporation exempt from taxation under section 501 of the Internal Revenue Code is reporting unrelated business taxable income it must file Form M-990T electronically when it is either:

- ▶ Reporting \$100,000 or more of unrelated business taxable income on Form M-990T;
- or
- ▶ It has met this excise or tax electronic filing threshold or the then-applicable excise or tax electronic filing threshold in a previous year.

For further information, see TIR 16-9.

Can a Corporation Get an Extension of Time to File?

Exempt corporations filing unrelated business income tax returns will be given an automatic eight-month extension if they meet certain payment requirements. For further information, see TIR 15-15.

Note: An extension of time to file is not valid if the corporation fails to pay at least 50% of the total tax liability or the minimum tax of \$456, which ever is greater, through estimated payments or with an extension payment.

Any tax not paid on or before the due date — without regard to the extension — shall be subject to an interest charge.

What Is a Valid Return?

A valid return is a return upon which all required amounts have been entered in all appropriate lines on all forms. Data sheets, account forms or other schedules may be enclosed to explain amounts entered on the forms. However, referencing items to enclosures in lieu of properly entering all amounts onto the return is not sufficient.

An exact copy of U.S. Form 990-T (including all applicable schedules and any other documentation required to substantiate entries made on this return) must be submitted along with Form M-990T.

Should the Exempt Corporation Be Making Estimated Tax Payments?

All corporations which reasonably estimate their corporate excise to be in excess of \$1,000 for the taxable year are required to make estimated tax payments to the Commonwealth. Estimated taxes may be paid in full on or before the 15th day of the third month of the corporation's taxable year or in four installment payments according to the schedule below.

Note: The due dates for estimated tax payments are not the same as the corporate excise return due dates. An overpayment from the prior year returns applied to the following year's estimated tax will be credited on the 15th day of the fourth month; one month after the due date for the first installment.

- ▶ 40% of the estimated tax due for the year is due on the 15th day of the 3rd month of the taxable year.
- ▶ 25% of the estimated tax due for the year is due on the 15th day of the 6th month of the taxable year.
- ▶ 25% of the estimated tax due for the year is due on the 15th day of the 9th month of the taxable year.
- ▶ 10% of the estimated tax due for the year is due on the 15th day of the 12th month of the taxable year.

Corporations must submit their estimated payments electronically. See TIR 21-9 for further information.

Note: New corporations in their first full taxable year with less than 10 employees have different estimated payment percentages — 30%, 25%, 25% and 20% respectively.

To avoid a possible underpayment penalty on its taxes, a corporation should, when making its first payment, estimate its tax to be at least equal to the prior year's tax. If the prior year's tax was the minimum tax, the corporation should make a payment or payments equal to the minimum tax to safeguard against a possible underpayment penalty.

Note: Any corporation having \$1 million or more of U.S. taxable income in any of its three preceding taxable years (as defined in IRC § 6655(g)) may only use its prior year tax liability to calculate its first quarterly estimated tax payment. Any reduction in the first installment payment that results from using this method must be added to its second installment payment.

For more information on corporate estimated taxes, refer to 830 CMR 63B.2.2, and MGL ch 63B.

Are Combined Reports Allowed?

No. Exempt corporations are not allowed to participate in the filing of combined reports in Massachusetts.

What if the Taxpayer Is a Fiscal or Short Year Filer?

File the 2022 return for calendar year 2022 and fiscal years that began in 2022 and ended in 2023. For a fiscal year return, fill in the tax year space at the top of page 1. Short year filers should file using the tax form for the calendar year within which the short year falls. If the

short year spans more than one calendar year, the filer should file use the tax form for the calendar year in which the short year began. If the current form is not available at the time the short year filer must file, the filer should follow the rules explained in TIR 11-12.

Can the Taxpayer Claim Credits on Form M-990-T?

Yes. However, any credit being claimed must be determined with respect to the unrelated business activity being reported on this return. The taxpayer cannot generate or claim any credits with respect to any exempt activity which has not been reported on this return.

Are There Special Tax Credits Available In Massachusetts?

Yes. Massachusetts offers several special credits to corporations.

However, under MGL ch. 63, § 32C, a corporation's credits may not offset more than 50% of its excise. Any credits not utilized as a result of this provision may be carried over for an unlimited number of years. This provision does not apply to the Research Credit, the Harbor Maintenance Tax Credit, Low-Income Housing Credit, Historic Rehabilitation Credit, the Film Incentive Credit, Medical Device Credit, Veteran's Hire Tax Credit or the Low-Income Housing Donation Credit.

Credits must be entered on the Credit Manager Schedule (CMS).

Credit Manager Schedule

Financial institutions, insurance companies, business corporations, and other taxpayers subject to tax under MGL ch 63 may be eligible for certain tax credits in Massachusetts. Credits may be used to offset a tax due, may be passed or shared with another person or entity, or, in some cases credits may be fully or partially refundable. MGL ch 63 taxpayers with credits available for use in the current taxable year must file a Schedule CMS to claim most credits.

For each credit claimed on a Schedule CMS, report the amount of the credit available for use and the amount of credit claimed to reduce tax for the current taxable year. For pass-through entities, report the amount of credit distributed to partners/share holders/beneficiaries in the credit shared column. Taxpayers also report the amount of a refundable credit they are using to request a refund of tax. See the Credit Manager Schedule Instructions for more information on how to complete the Schedule CMS and claim the credits.

Credits reported on the Schedule CMS are generally identified either by a certificate number assigned by the issuing agency (which may be the DOR) or by the tax period end date in which the credit originated. If a credit has been assigned a certificate number, the certificate number must be included on the Schedule CMS. A taxpayer that does not include an assigned certificate number on the Schedule CMS will not be allowed the credit on the tax return and will have their tax liability adjusted by the DOR. Be sure to omit hyphens, spaces, decimals and other special symbols when entering the certificate number. Also, enter the number from left to right.

Likewise, a taxpayer that is required to complete a separate schedule to claim a credit must include the separate schedule with the taxpayer's return filing. Failure to do so may result in the credit being disallowed.

If, by operation of MGL ch 63, § 32C or another provision of law, a credit normally identified by tax period end date is eligible for indefinite carryover, the credit should be reported as "non-expiring" and identification of the tax period of origin is not necessary.

Overview of Schedule CMS

The following is a brief overview of the Schedule CMS sections and where certain credits should be reported. If a taxpayer is using a credit to reduce a taxpayer's current year tax liability, whether it is a non-refundable credit or a refundable credit, the credit should be reported in Section 1 or 3 of the Schedule CMS. Only a refundable credit that the taxpayer is seeking a refund for should be reported in either Section 2 or 4 of the Schedule CMS. Generally, a credit should only be reported in one section on the Schedule CMS unless a portion of it is being used to offset a tax and a portion is being refunded.

Section 1. Non-Refundable Credits

Section 1 is for reporting credits the taxpayer is using (i) to offset or reduce the taxpayer's total tax due (ii) to pass to any partner, shareholder or beneficiary of the taxpayer or (iii) to share with taxpayer affiliates. The Brownfields Credit, Film Incentive Credit, or Medical Device Credit should always be included in Section 1, unless the taxpayer is requesting a refund of the Film Incentive Credit. However, a taxpayer that received a credit on a Massachusetts K-1 schedule from a pass-through entity or a credit transfer should report such credit in Section 3 or 4, as applicable.

Section 2. Refundable Credits

Section 2 is for reporting refundable credits the taxpayer is using to request a refund. The Film Incentive Credit should always be included in Section 2 to the extent that the taxpayer is requesting a refund. However, a taxpayer that received a refundable credit on a Massachusetts K-1 from a pass-through entity or a credit transfer should report such credit in Section 4, to the extent that the taxpayer is requesting a refund. For each refundable credit, report the amount of the credit available after taking into consideration any amount of the credits that may have been taken to offset a tax or shared as reported in Section 1 of this schedule. Enter the amount by which the available credit balance is being reduced and the amount to be treated as a refundable credit, which may be either 90% or 100% of the reduction. See TIR 13-6, Example 3, for an illustration.

Section 3. Non-Refundable Credits Received from Massachusetts K-1 Schedules

Section 3 is for reporting credits the taxpayer received on a Massachusetts K-1 schedule (SK-1, 2K-1 or 3K-1) that the taxpayer is using (i) to offset or reduce the taxpayer's total tax due (ii) to pass to any partner, shareholder or beneficiary of the taxpayer or (iii) to share with taxpayer affiliates. The Brownfields Credit, Film Incentive Credit, or Medical Device Credit should never be included in Section 3.

Note: Do not report the Brownfields Credit, Film Incentive Credit, and Medical Device Credit in this section because these credits are issued new certificate numbers from the DOR when they are received from a pass-through entity or a credit transfer. These credits should always be reported in Section 1, unless the taxpayer is requesting a refund of the Film Incentive Credit.

Section 4. Refundable Credits Received from Massachusetts K-1 Schedules

Section 4 is for reporting credits the taxpayer received on a Massachusetts K-1 schedule (SK-1, 2K-1 or 3K-1) and that the taxpayer is using to request a refund. The Film Incentive Credit should never be included in Section 4. For each refundable credit, report the amount of the credit available after taking into consideration any amount of

the credits that may have been used to offset a tax or shared as reported in Section 3 of this schedule. Enter the amount by which the available credit balance is being reduced and the amount to be treated as a refundable credit, which may be either 90% or 100% of the reduction. See TIR 13-6, Example 3, for an illustration.

Note: Do not report the refundable Film Incentive Credit in this section because these credits are issued new certificate numbers from the DOR when they are received from a pass-through entity or a credit transfer. If the taxpayer is requesting a refund of the Film Incentive Credit, it should be reported in Section 2.

List of Credit Names and Credit Codes

The following table identifies various credits that may be available to a taxpayer subject to tax under MGL ch 63 and that must be claimed on a Schedule CMS.

Apprenticeship Tax Credit	APPCRD*
Brownfields	BRWFLD
Certified Housing	CRTHOU
Community Investment	CMMINV*
Conservation Land	CNSLND*
Cranberry Bog Renovation	CRBCRD*
Dairy Farm	DAIFRM*
EDIP	EDIPCR*
EDIP-Vacant Storefront Credit	VACSTR*
Employer Wellness	EMPWLL
EOAC	EOACCR
Film Incentive	FLMCRD*
Harbor Maintenance	HRBMNT
Historic Rehabilitation	HISRHB
Investment Tax	INVTAX
Life Science (FDA)	LFSFDA*
Life Science (ITC)	LFSITC*
Life Science (Jobs)	LFSJOB*
Life Science (RD)	LFSRDC
Low-Income Housing	LOWINC
Low-Income Housing Donation	LIHDON
Medical Device	MEDDVC
Research	REARCH*
Vanpool	VANPOL
Veteran's Hire	VETHIR

*These credits may be partially or fully refundable. See Schedule CMS instructions for further information.

Note: Certified life sciences companies with a Research Credit exceeding the amount of credit that may be claimed under MGL ch 63, § 38M for a taxable year may, to the extent authorized under the Life Sciences Tax Incentive Program, elect to make 90% of the balance of remaining credits refundable. See MGL ch 63, § 38M(j).

Credit Recapture Schedule

The Credit Recapture Schedule (CRS), which eliminates Schedule RF, lists each credit for which a recapture calculation must be made. Certain Massachusetts tax credits are subject to recapture as specified in the statute authorizing the credit (e.g., the investment tax credit is subject to recapture under MGL ch 63, § 31A(e) if an asset for

which the credit was taken is disposed of before the end of its useful life). Recapture may also be triggered if the corporation no longer qualifies for the credit (as when a manufacturing corporation ceases to qualify as such or a corporation's status as a Life Sciences Company is terminated as discussed in TIR 13-6.)

If a recapture calculation is required, the amount of the credit allowed is redetermined and the reduction in the amount of credit allowable is recaptured to the extent the credit was taken or used in a prior year. See DD 89-7. Taxpayers who have a recapture calculation must complete this schedule whether or not a recapture tax is determined to be due.

For credits tracked by certificate numbers, enter each certificate number and the associated credits separately. For credits not tracked by certificate number, enter credits separately by type and the year to which they relate. List only those credits and certificate numbers or tax years for which a reduction in the credit is being calculated.

Brief Summary of Available Credits on Schedule CMS

The following are brief summaries describing the specific credits that may be available to a taxpayer subject to tax under MGL ch 63 and that must be claimed on a Schedule CMS.

Apprenticeship Tax Credit

Businesses corporations subject to tax under MGL ch 63 that employ qualified apprentices may be eligible for an Apprenticeship Tax Credit (ATC). The credit is equal to the lesser of \$4,800 or 50% of the wages paid by the business to each qualified apprentice it hires. Business corporations are eligible for up to \$100,000 in credits each calendar year. To claim the credit, the primary place of employment of the apprentice must be in Massachusetts, the business corporation employing the apprentice must register with the Division of Apprentice Standards as an apprenticeship program sponsor and enter into apprenticeship agreements with each apprentice for whom the credit is claimed, and the apprentice must be employed for at least 180 calendar days in the taxable year in which the credit is claimed. A business corporation claiming the credit in a taxable year may also be eligible for a credit in the subsequent taxable year, provided that the Division of Apprentice Standards again certifies that the apprentice remains employed as an apprentice during the subsequent taxable year.

The ATC is not transferrable but is refundable. The ATC is available for tax years beginning on or after January 1, 2019. See TIR 18-13 for further information.

To claim the ATC, enter the ATC certificate number and the amount of ATC using credit code APPCRD on Schedule CMS.

Brownfields Tax Credit

Taxpayers subject to tax under MGL ch 63 and nonprofit organizations may be eligible to claim a Brownfields Tax Credit (BTC) for amounts expended to clean up contaminated property in Massachusetts in an amount equal to either 25% or 50% of the cost. The cleanup must begin on or before August 5, 2023, and costs must be incurred before January 1, 2024, and equal or exceed 15% of the assessed value of the property before the beginning of the cleanup. Contaminated properties must be owned or leased for business purposes, reported to the Massachusetts Department of Environmental Protection (DEP), cleaned up in compliance with DEP's standards, and located in an economically distressed area identified by DEP. Unused portions of BTC may be carried forward for the next 5 years. If a BTC recipient does not maintain the property in compliance with

standards set out by DEP, the credit may be recaptured. The BTC is not refundable. For taxpayers subject to a minimum excise under MGL ch 63, the BTC cannot reduce the excise due below the minimum amount. The BTC is also subject to the 50% limitation for taxpayers subject to tax under MGL ch 63, § 39.

The BTC may be transferred, sold or assigned to another taxpayer with a liability under MGL ch 62 or 63, or to a nonprofit organization. A taxpayer must complete a Form BCA, Brownfields Credit Application, and submit it to DOR. If approved, DOR will issue a certificate reflecting the amount of the BTC awarded. The party receiving the BTC must include the certificate number with each tax return in which the credits are being applied. BTC application forms, including Form BCA, and additional information are available at mass.gov/dor.

To claim the BTC, enter the BTC certificate number and the amount of BTC using credit code BRWFLD on Schedule CMS.

Certified Housing Development Tax Credit

Taxpayers subject to tax under MGL ch 63 that invest in housing development projects in Massachusetts may be eligible to claim the Certified Housing Development Credit (CHDC) in an amount up to 25% of the costs of qualified project expenditures as defined in MGL ch 40V, § 1. Eligibility for and the amount of CHDC awarded are determined and administered by the Department of Housing and Community Development (DHCD). The CHDC is not refundable, but unused amounts may be transferred or carried forward for 10 years. See TIRs 16-15, 10-15, and 10-14 for further information.

To claim the CHDC, enter the CHDC certificate number and the amount of CHDC using credit code CRTHOU on Schedule CMS.

Community Investment Tax Credit

Taxpayers subject to tax under MGL ch 63 may be able to claim a Community Investment Tax Credit (CITC) for cash contributions made to a community partner to support implementation of its community investment plan, or to a community partnership fund. The CITC is equal to 50% of the total contribution made by the taxpayer and cannot be claimed for contributions of less than \$1,000. The Department of Housing and Community Development (DHCD) is responsible for determining which contributions qualify for the CITC and the actual amount of the CITC awarded. The CITC is not transferrable. However, the CITC is refundable, or, alternatively, may be carried forward for 5 years. For further information, see 760 CMR 68.00, 830 CMR 62.6M.1, and TIRs 16-15, 13-15, and 12-10.

To claim the CITC, enter the CITC certificate number and the amount of CITC using credit code CMMINV on Schedule CMS.

Conservation Land Tax Credit

Taxpayers subject to tax under MGL ch 63 that make qualified donations of certified land to a public or private conservation agency in Massachusetts may be eligible for a Conservation Land Tax Credit (CLTC). The Executive Office of Energy and Environmental Affairs (EEA) ultimately determines which donations qualify for CLTC and the actual amount of CLTC attributable to the donation. The CLTC is equal to 50% of the fair market value of the donated certified land but may not exceed \$75,000. The CLTC is refundable but is not transferrable. Taxpayers who claim CLTC may not claim any other credit or deduction in the same tax year for the costs related to the same donated, certified land. For further information, see 301 CMR 14.00, and 830 CMR 62.6.4.

To claim the CLTC, enter the CLTC certificate number and the amount of CLTC using credit code CNSLND on Schedule CMS.

Cranberry Bog Renovation Tax Credit

Taxpayers subject to tax under MGL ch 63 that are primarily engaged in cranberry production may be eligible for a Cranberry Bog Renovation Tax Credit (CBRTC). The CBRTC is equal to 25% of the taxpayer's total qualified renovation expenditures directly incurred in the taxable year for the qualified renovation of a cranberry bog for the cultivation, harvesting or production of cranberries, but the amount of the credit may not exceed \$100,000. Expenditures incurred in the construction of facilities or structures for the processing of cranberries are ineligible for the CBRTC. To claim the CBRTC, a taxpayer must file a summary of its qualified renovation expenditures with respect to a qualified renovation with the Executive Office of Energy and Environmental Affairs, which determines the amount of the credit for which the taxpayer is eligible. The CBRTC is refundable, but is not transferrable. However, in lieu of claiming the CBRTC as a refundable tax credit, the taxpayer may carryover unused CBRTC for the next 5 years.

To claim the CBRTC, enter the CBRTC certificate number and the amount of the CBRTC using credit code CRBCRD on Schedule CMS.

Dairy Farm Tax Credit

Massachusetts dairy farmers taxable under MGL ch 63 may be eligible for a Dairy Farm Tax Credit (DFTC) based on the amount of milk produced and sold during the taxable year when the cost of milk drops below a price based on federal standards. The dairy farmer must have a certificate of registration as a Massachusetts dairy farm from the Massachusetts Department of Agricultural Resources (MDAR). The total amount of DFTC granted through the program cannot exceed \$6,000,000 in any year. The DFTC is refundable but is not transferrable.

To claim the DFTC, enter the MDAR-issued certificate number and the amount of DFTC from the MDAR's Dairy Farmer Certified Tax Credit Statement using credit code DAIFRM on Schedule CMS.

Economic Opportunity Area/Economic Development Incentive Program Credits

Economic Opportunity Area Credit

Taxpayers subject to tax under MGL ch 63 that participated in projects certified by the Economic Assistance Coordinating Council (EACC) before January 1, 2010 and in effect through December 31, 2016, may be eligible to claim an Economic Opportunity Area Credit (EOAC) equal to 5% of the cost of qualifying property purchased for business use within a certified project within an Economic Opportunity Area (EOA). A certified project is a project approved by the EACC. To qualify for the EOAC, the property must be used exclusively by the certified project in an EOA and must meet the same tests imposed for the 3% Investment Tax Credit (ITC) (see ITC summary below). The EOAC cannot offset more than 50% of the tax due. Any unused EOAC may be carried forward for 10 years, while credits not used because of the 50% limitation may be carried over indefinitely. The EOAC may be subject to recapture if a taxpayer's business is decertified by the EACC, or a taxpayer stops using the qualifying property in a certified project before the end of the property's useful life. The EOAC is neither refundable nor transferrable. For taxpayers subject to a minimum excise under MGL ch 63, the EOAC may not reduce the excise due below the minimum amount. The EOAC is not available to certified projects that were certified by the EACC on or after January 1, 2010. See TIRs 16-15 and 10-01 for further information.

To claim the EOAC, complete Schedule EOAC and enter the amount of EOAC using credit code EOACCR on the Schedule CMS. Include both the completed Schedule EOAC and Schedule CMS with the return.

Economic Development Incentive Program Credit for Projects Certified on or After January 1, 2010 and Before January 1, 2017

For projects certified by the EACC on or after January 1, 2010 and before January 1, 2017, the Economic Development Incentive Program Credit (EDIPC) is available to taxpayers subject to tax under MGL ch 63 with respect to certified projects as defined under MGL ch 23A. The EDIPC is equal to a percentage of the cost of qualifying property purchased by a certified project for business use within Massachusetts. As part of the project certification, the EACC may (but is not required to) award a credit under the program and determine the percentage of the cost of the property to be used to determine the credit. In addition, the EACC may award an EDIPC that is refundable. To qualify for the EDIPC, the qualifying property must be used exclusively in the certified project in Massachusetts and must meet the same tests imposed for the 3% ITC.

Unless the EDIPC awarded is refundable, the credit may not offset more than 50% of the tax due. Carryover of unused EDIPC is available only to the extent authorized by the EACC. The EACC may, in consultation with DOR, limit (but not expand) the EDIPC to a specific dollar amount or time duration or in any other manner deemed appropriate by the EACC. St. 2009, c. 166, § 18. For example, the EACC may limit the EDIPC available with respect to a particular project to a specific dollar maximum, even if the actual dollar amount of the qualifying purchases would otherwise generate a higher credit amount. Similarly, the EACC may limit the otherwise applicable credit carry forward period provided by MGL ch 63, § 38N(d). The EDIPC may be subject to recapture if a taxpayer's business is decertified by the EACC, or a taxpayer stops using the qualifying property in a certified project before the end of the property's useful life. The EDIPC is not transferable. For taxpayers subject to a minimum excise under MGL ch 63, the EDIPC may not reduce the excise due below the minimum amount. See TIRs 16-15, 14-13, 10-15, and 10-1 for further information.

To claim the EDIPC, complete Schedule EDIP and enter the amount of EDIPC using credit code EDIPCR on Schedule CMS. Also, enter the EACC-issued certificate number on Schedule CMS. Include both the completed Schedule EDIP and Schedule CMS with the return.

EDIP Credit for Projects Certified on or after January 1, 2017

The EDIPC provisions were significantly changed for projects certified on or after January 1, 2017. For projects certified by the EACC on or after January 1, 2017, the EDIPC for taxpayers subject to tax under MGL ch 63 is determined by the EACC based on numerous factors set forth in MGL ch 23A § 3D. The EACC may award a refundable EDIPC to any certified project. Unless the EDIPC awarded is refundable, the EDIPC may not offset more than 50% of the excise due. Carryover of unused EDIPC is available only to the extent authorized by the EACC. Recapture is required only if the EACC revokes the certification of a project. The EDIPC is not transferable. For taxpayers subject to a minimum excise under MGL ch 63, the EDIPC may not reduce the excise due below the minimum amount. See TIRs 16-15 and 10-01 for further information.

To claim the EDIPC, complete Schedule EDIP and enter the amount of EDIPC using credit code EDIPCR on Schedule CMS. Also, enter the EACC-issued certificate number on Schedule CMS. Include both the completed Schedule EDIP and Schedule CMS with the return.

EDIP Credit for Vacant Storefronts

Effective January 1, 2019, awards of EDIPC are also available as a Vacant Storefront Credit (VSC) to taxpayers subject to tax under MGL ch 63 that occupy vacant storefronts in downtown areas that have been designated as Certified Vacant Storefront Districts. To claim the VSC a taxpayer must apply for and obtain certification from the EACC and must commit to occupy the vacant storefront for not less than 1 year. The taxpayer does not need to invest in improvements or create new jobs to claim the VSC. The EACC awards the VSC on a competitive basis, taking into account the factors set forth in MGL ch 23A, § 3C. The amount of VSC available to taxpayers occupying vacant storefronts is limited to \$500,000 in a calendar year.

The VSC is not transferrable but is refundable. For additional information about the credit, contact the Massachusetts Office of Business Development at 617-973-8600.

To claim the VSC, enter the amount of the VSC using credit code VACSTR on Schedule CMS. Also, enter the EACC-issued certificate number on Schedule CMS.

Employer Wellness Credit

The Employer Wellness Credit (EWC) program expired on December 31, 2017 and no new EWC amounts are being awarded. However, remaining credits awarded for the 2015 through 2017 tax years and carried over by a taxpayer may be applied in the 2022 tax year.

Effective for tax years beginning on or after January 1, 2013, a taxpayer subject to tax under MGL ch 63 that employed 200 or fewer workers was eligible for the EWC for up to 25% of its costs associated with implementing a “certified wellness program” for its employees. Prior to the EWC program’s expiration on December 31, 2017, a taxpayer could claim the EWC by applying to the Department of Public Health (DPH) to certify its wellness program. The amount of the credit available to be claimed could not exceed \$10,000 in any tax year and the credit was not refundable. A taxpayer may carry forward any unused portion of the EWC for up to 5 taxable years. For taxpayers subject to a minimum excise under MGL ch 63, the EWC may not reduce the excise due below the minimum amount.

Since the EWC program expired on December 31, 2017, a taxpayer may only claim a previously awarded EWC that was carried over to subsequent tax years. Information about the criteria DPH utilized for authorizing and certifying the EWC may be found in DPH’s “Massachusetts Wellness Tax Credit Incentive” regulation, 105 CMR 216.000.

To claim the EWC, enter the amount of EWC using credit code EMPWLL on Schedule CMS. Also, enter the DPH issued certificate number on Schedule CMS.

Film Incentive Credit

Motion picture production companies subject to tax under MGL ch 63 may be eligible to claim the Film Incentive Credit (FIC) for certain payroll and production expenses. Production companies that incur \$50,000 or more of production costs in Massachusetts with respect to a particular motion picture are eligible for a credit equal to 25% of the total Massachusetts payroll for the production, excluding salaries of \$1 million and higher. In addition, when a production company incurs \$50,000 or more of production costs in Massachusetts with respect to a particular motion picture and (i) Massachusetts production costs exceed 75% of that motion picture’s total production costs or (ii) at least 75% of that motion picture’s total principal photography days take place in Massachusetts, the company may receive a credit equal to 25% of the total Massachusetts production costs for that motion picture, excluding payroll costs used to claim the above payroll credit. The FIC may be applied against the taxpayer’s liability, reduced by

any other available credits, and then 90% of any remaining credits may be refunded. Subject to certain conditions, unused credits may be carried forward or transferred by the taxpayer in the following 5 tax years. Transferees may carry forward unused FIC for the 5 tax years after the first tax year the FIC was allowed to the initial transferor. The FIC is not refundable to the transferee. See TIRs 07-15 and 22-5 for further information.

To claim the FIC, enter the FIC certificate number and the amount of FIC using credit code FLMCRD on Schedule CMS. Supporting documentation must be available to DOR upon request. Certificate application forms and additional information are available at mass.gov/dor.

Harbor Maintenance Tax Credit

The Harbor Maintenance Tax Credit (HMTTC) has been repealed and no new HMTTC amounts are being awarded. Unused portions of the credit claimed in taxable years beginning before January 1, 2022, may be carried forward from the year claimed and used in any of the succeeding 5 taxable years. These unused portions of the credit are neither refundable nor transferrable. The HMTTC may not reduce the corporate excise due below the minimum amount but is not subject to the 50% limitation imposed by MGL ch 63, § 32C. See TIR 97-4 and Schedule HM instructions for further information.

To claim the HMTTC, complete Schedule HM and enter the amount of HMTTC using credit code HRBMNT on Schedule CMS. Include both the completed Schedule HM and Schedule CMS with the return.

Historical Rehabilitation Credit

Taxpayers subject to tax under MGL ch 63 that have made qualified expenditures in the rehabilitation of a qualified historic structure may be eligible to claim a Historic Rehabilitation Tax Credit (HRTC). The HRTC may be claimed for up to 20% of the taxpayer’s rehabilitation expenditures made in substantially rehabilitating a historic structure that has received final certification from the Massachusetts Historical Commission and placed into service (where occupancy of the entire structure or some identifiable portion of it is permitted). Unused portions of HRTC may be carried forward for the following 5 tax years. The HRTC may be transferred or sold to another taxpayer but is not refundable. HRTC awards also may be transferred to other qualifying taxpayers that acquire a historic structure, as long as certain criteria are met. Any HRTC claimed by the taxpayer may be subject to recapture if the taxpayer disposes of its interest in the structure within 5 years of its placement into service. HRTC awards however are not subject to recapture. For taxpayers subject to the corporate excise, the HRTC is not subject to the 50% limitation under MGL ch 63, § 32C but may not reduce the excise below the minimum amount. For further information, see 830 CMR 63.38R.1 and TIRs 16-15 and 10-11.

To claim the HRTC, enter the HRTC certificate number and the amount of HRTC using credit code HISRHB on Schedule CMS. Supporting documentation must be enclosed with the return or the HRTC may be disallowed. For further information on documentation see the Transfer/Sale HRC: Historic Rehabilitation Credit Certificate Form and Allotment Schedule HRC: Historic Rehabilitation Credit Summary Form.

Investment Credit

Taxpayers subject to tax under MGL ch 63, § 39 may be eligible to claim the Investment Tax Credit (ITC). To claim the ITC, a corporation must qualify as a manufacturing or research development corporation under MGL ch 63, § 42B, or be principally engaged in agriculture or commercial fishing. Such corporations may earn a credit equal to

3% of the cost of “qualifying tangible property” acquired, constructed, reconstructed, or erected during the taxable year. “Qualifying tangible property” includes tangible property, buildings, and structural components acquired by purchase (as defined in IRC § 179(d)) that is used and located in Massachusetts on the last day of the taxable year, and is depreciable under IRC § 167 with a useful life of four years or more. Any unused portion of the credit may be carried forward for 3 tax years after the credit was earned, while credits not used because of the 50% limitation may be carried over indefinitely. The ITC may be recaptured if the eligible property for which the ITC is claimed is disposed of or ceases to be in qualified use prior to the end of its useful life (as determined by the property’s depreciation period for federal tax purposes). The ITC is neither refundable nor transferrable. The ITC may not reduce the corporate excise due below the minimum amount, nor may the amount of the credit exceed 50% of the taxpayer’s liability.

To claim the ITC, complete Schedule H and enter the amount of ITC using credit code INVTAX on Schedule CMS. Include both the completed Schedule H and Schedule CMS with the return.

Life Sciences Refundable FDA User Fees Tax Credit

Certified life sciences companies subject to tax under MGL ch 63, to the extent authorized by the Life Sciences Tax Incentive Program, may be eligible to claim a Life Sciences Refundable FDA User Fees Tax Credit. The credit is equal to 100% of the user fees paid on or after June 16, 2008, to the US Food and Drug Administration (FDA) upon submission of an application to manufacture a human drug in Massachusetts. The credit may be claimed in the tax year in which the application for licensure of an establishment to manufacture the drug is approved by the FDA. To be eligible for the credit, more than 50% of the research and development costs for the drug must have been incurred in Massachusetts. Certified life sciences companies may use the FDA user fees credit to reduce their tax to zero. At the option of the taxpayer and to the extent authorized pursuant to the Life Sciences Tax Incentive Program, where the credit exceeds the tax due, 90% of the balance of the excess credit is refundable. A life sciences company claiming the credit may not also deduct FDA user fees for which the credit is claimed on its return. In the event a company’s certification as a life sciences company is revoked, the recapture of credit may be required. The credit is not transferrable. For further information, see TIRs 13-6 and 08-23.

To claim the credit, complete a Schedule RLSC and enter the amount of the credit using credit code LFSFDA on the Schedule CMS.

Life Sciences Refundable Investment Tax Credit

Certified life sciences companies subject to tax under MGL ch 63, to the extent authorized by the Life Sciences Tax Incentive Program, may claim a Life Sciences Refundable Investment Tax Credit (LSRITC) equal to 10% of the cost of qualifying property acquired, constructed, reconstructed, or erected and used exclusively in Massachusetts. If the LSRITC exceeds the tax due, 90% of the balance of the LSRITC may, at the option of the taxpayer and to the extent authorized pursuant to the Life Sciences Tax Incentive Program, be refundable to the taxpayer for the tax year in which the qualified property giving rise to the LSRITC is placed in service. If the taxpayer does not opt to make the LSRITC refundable, then the LSRITC may be carried forward for up to 10 years. Certified life sciences companies qualifying for the Economic Development Incentive Program Credit (EDIPC) may only take the EDIPC to the extent of an additional 2% of the cost of the qualifying property. In the event a company’s

certification as a life sciences company is revoked, the recapture of the LSRITC may be required. The LSRITC is not transferrable. For certified life sciences companies subject to a minimum excise, the LSRITC cannot reduce the amount of the excise due to less than the minimum amount. For further information, see TIRs 13-6 and 08-23.

To claim the LSRITC, complete a Schedule RLSC and enter the amount of LSRITC using credit code LFSITC on Schedule CMS.

Life Sciences Refundable Jobs Tax Credit

Certified life sciences companies subject to tax under MGL ch 63, to the extent authorized by the Life Sciences Tax Incentive Program, may receive a Life Sciences Refundable Jobs Tax Credit (LSRJTC) in an amount determined by the Massachusetts Life Sciences Center in consultation with the DOR. A taxpayer claiming the LSRJTC must commit to the creation of a minimum of 50 net new permanent full-time positions in Massachusetts. If the LSRJTC claimed by a taxpayer exceeds the tax otherwise due, 90% of the balance of such LSRJTC may, at the option of the taxpayer and to the extent authorized by the Life Sciences Tax Incentive Program, be refundable. Excess LSRJTC amounts cannot be carried forward to subsequent taxable years. The LSRJTC is not transferrable. The LSRJTC is subject to all of the requirements of the Life Sciences Tax Incentive Program under MGL ch 23I. In the event of the revocation of a company’s certification as a life sciences company or other disqualifying events, the LSRJTC may be subject to recapture. For more information, see TIRs 13-6, 11-6, and 08-23.

To claim the LSRJTC, complete a Schedule RLSC and enter the amount of LSRJTC using credit code LFSJOB on Schedule CMS.

Life Sciences Research Tax Credit

Certified life sciences companies subject to tax under MGL ch 63, to the extent authorized by the Life Sciences Tax Incentive Program, may claim a Life Sciences Research Tax Credit (LSRTC) for certain expenditures that do not qualify for the MGL ch 63, § 38M Research Tax Credit (RC). The LSRTC generally is calculated in the same manner as the RC, but may also include expenditures for research related to legally mandated clinical trial activities performed both inside and outside of Massachusetts. Unlike the RC, the LSRTC is not refundable for certified life sciences companies. See the Research Credit summary below. The LSRTC is not transferrable. However, unused portions of the LSRTC may be carried forward for 15 years. In the event of the revocation of a company’s certification as a life sciences company or other disqualifying events, the LSRTC may be subject to recapture. For certified life sciences companies subject to a minimum excise, the LSRTC cannot reduce the amount of the excise due to less than the minimum amount. For further information, see TIRs 13-6 and 08-23.

To claim the LSRTC, complete a Schedule RLSC and enter the amount of LSRTC using credit code LFSRDC on Schedule CMS.

Low Income Housing Tax Credit

Taxpayers subject to tax under MGL ch 63 who invest in a qualified low-income housing project located in Massachusetts may be eligible for the Low Income Housing Tax Credit (LIHTC). The Department of Housing and Community Development (DHCD) determines which low-income housing projects will qualify for the LIHTC, which properties may generate an LIHTC for investors, and ultimately allocates the amount of credit a taxpayer may claim based on a total pool of \$20,000,000. The LIHTC may be claimed in the year that a “qualified Massachusetts project” is placed in service and for each of the

four subsequent taxable years. The properties must also meet the requirements established by Massachusetts and federal laws, and be owned by a taxpayer who enters into a regulatory agreement with DHCD.

Any unused LIHTC may be carried forward for the next 5 tax years. Alternatively, unused credits may be transferred. If an event or circumstance occurs that results, or would have resulted, in the recapture of any portion of a federal Low Income Housing Credit, then the Massachusetts LIHTC may also be subject to recapture. The LIHTC is not refundable.

For taxpayers subject to a minimum excise under MGL ch 63, the LIHTC may not reduce the excise due below the minimum amount.

To claim the LIHTC, enter the LIHTC certificate number and the amount of LIHTC using credit code LOWINC on Schedule CMS. Supporting documentation must be enclosed with the return or the LIHTC may be disallowed. For further information on documentation see the Transfer LIHC: Low-Income Housing Credit Statement Form and Allotment Schedule LIHC: Low-Income Housing Credit Summary Form. For further information regarding this credit, contact DHCD, Division of Private Housing, at (617) 727-7824.

Low Income Housing Donation Tax Credit

Taxpayers subject to tax under MGL ch 63 that make a “qualified donation” of real or personal property to certain non-profit entities for use in purchasing, constructing or rehabilitating a “qualified Massachusetts project” may be eligible to claim a Low Income Housing Donation Tax Credit (LIHDTC). This credit operates in a similar manner to the Low Income Housing Tax Credit (LIHTC), but the LIHDTC is limited to 50% of the amount of the “qualified donation,” which may be increased to 65% by the Department of Housing and Community Development (DHCD). In addition, the LIHDTC may only be claimed in the year that the “qualified donation” is made. However, any unused LIHDTC may be carried forward for the next 5 years. DHCD determines eligibility and ultimately allocates the LIHDTC a taxpayer may claim based on a total pool of \$20,000,000 shared with the LIHTC. Only one-fifth of awarded LIHDTC will count towards this pool. The LIHDTC is not refundable but is transferrable in the same manner as the LIHTC.

The property must also meet the requirements established by Massachusetts and federal laws and be owned by an owner who enters into a regulatory agreement with DHCD. If an event or circumstance occurs that results, or would have resulted, in the recapture of any portion of a federal Low Income Housing Credit, then the Massachusetts LIHDTC may also be subject to recapture. For taxpayers subject to a minimum excise under MGL ch 63, the LIHDTC may not reduce the excise due below the minimum amount.

To claim the LIHDTC, enter the LIHDTC certificate number and the amount of LIHDTC using credit code LIHDON on Schedule CMS. Supporting documentation must be enclosed with the return or the LIHDTC may be disallowed. For further information on documentation see the Transfer LIHC: Low-Income Housing Credit Statement Form and Allotment Schedule LIHC: Low-Income Housing Credit Summary Form. For further information regarding this credit, contact DHCD, Division of Private Housing, at (617) 727-7824.

Medical Device Tax Credit

Note: The Medical Device Tax Credit (MDTC) has been repealed and no new MDTC amounts are being awarded.

Unused MDTC may not be carried forward by the taxpayer that originally claimed them. However, unused transferred credits may be carried forward by the transferee and must be used within 5 years of the credit’s issuance. Only the transferee may use the credits. The MDTC may not reduce the transferee’s corporate excise due below the minimum excise.

To claim the MDTC, enter the MDTC certificate number and the amount of the MDTC using credit code MEDDVC on the Schedule CMS. Certificate application forms and additional information are available at mass.gov/dor.

Research Credit

Business corporations subject to an excise under MGL ch 63 that incur “qualified research expenses” and “basic research payments” may be able to claim a Research Tax Credit (RC). The RC closely parallels the federal research credit. Generally, “qualified research expenses” include wages paid to employees, a portion of wages paid to contractors, and amounts paid for supplies, but only if the services were performed for research purposes or the supplies were used to conduct research in Massachusetts. The RC amount is limited to the first \$25,000 of excise due, plus 75% of any excise due in excess of \$25,000. The RC is neither refundable nor transferrable. Business corporations subject to a minimum excise under MGL ch 63 cannot use the RC to reduce their tax due to below the minimum amount. However, credits in excess of the taxpayer’s liability may be carried over for 15 years, while credits not used because of the 75% rule may be carried over indefinitely. The deduction allowed to a corporation for any research expenses generating an RC must be reduced by the amount of RC generated. This amount is added back to income on Schedule E, line 13.

Certified life sciences companies that have an RC that exceeds the amount of the credit that may be claimed under MGL ch 63, § 38M for a taxable year may, to the extent authorized under the Life Sciences Tax Incentive Program, elect to make 90% of the balance of the remaining credits refundable. See TIR 08-23, section 5.

To claim the RC, complete Schedule RC and enter the amount of RC using credit code REARCH on Schedule CMS. Include both the completed Schedule RC and Schedule CMS with the return.

Vanpool Credit

Business corporations subject to tax under MGL ch 63 may be eligible for a Vanpool Credit (VPC) equal to 30% of the cost incurred during the taxable year for the purchase or lease of company shuttle vans used by the corporation in an employer-sponsored ride sharing program in Massachusetts. The company shuttle vans must be situated in Massachusetts on the last day of the corporation’s taxable year and used to bring employees from their homes to their jobs or students from a public transportation facility to a school campus in Massachusetts. The amount of VPC will be prorated for property disposed of or no longer having a qualified use prior to the end of the tax year. Additionally, the VPC will be recaptured if the property on which the VPC has been taken is disposed of or the property ceases to be in qualified use prior to the end of its useful life. No recapture is necessary if the property has been in qualified use for more than 4 consecutive years. The VPC is neither refundable nor transferrable.

For corporations subject to the corporate excise, the VPC may not reduce the corporate excise due below the minimum amount, nor may the amount of VPC allowable in any one tax year exceed 50% of the corporation’s corporate excise liability.

To claim the VPC, complete Schedule VP and enter the amount of VPC using credit code VANPOL on Schedule CMS. Include both the completed Schedule VP and Schedule CMS with the return.

Veteran's Hire Tax Credit

Businesses subject to tax under MGL ch 63 that hire veterans who live and work in Massachusetts may be eligible for a Veteran's Hire Tax Credit (VHTC). The credit is equal to \$2,000 for each qualified veteran hired. The business must employ fewer than 100 employees; be certified by the Commissioner of Veteran's Services; and qualify for and claim the federal Work Opportunity Credit allowed under IRC § 51. A business may be eligible for a second VHTC for the next taxable year if the veteran continues to work for the business. In order to claim the VHTC, the primary place of employment and the primary residence of the qualified veteran must be in Massachusetts, and the business corporation must obtain certification that the veteran is a qualified veteran, as defined in IRC § 51(d)(3), from the Department of Career Services, no later than the employee's first day of work.

The VHTC is neither refundable nor transferrable. Any amount of VHTC that exceeds the tax due in the current taxable year may be carried forward to any of the 3 subsequent taxable years. The VHTC is available for qualified veterans hired after July 1, 2017. A business subject to a minimum excise under MGL ch 63 cannot use the credit to reduce its tax due to below the minimum amount. See TIR 17-10 for further information.

To claim the VHTC, enter the VHTC certificate number and the amount of VHTC using credit code VETHIR on Schedule CMS.

Line Instructions

If your return is not for the calendar year, enter at the top of the form the dates of your taxable year.

Should the Whole Dollar Method be Used?

Yes. All amounts entered on Form M-990T must be rounded off to the nearest dollar.

Filing an Amended Return

New-Supporting Statement. If you are filing an amended return for any reason you **must** attach a statement to the amended return with an explanation of why you are filing the amended return, including the basis for submitting it.

If you need to change a line item on your return, complete a return with the corrected information and fill in the **Amended return** oval. An amended return can be filed to either increase or decrease your tax. Generally, an amended return must be filed within three years of the date that your original return was filed. Electronic filing requirements apply to amended returns and disputes. See TIR 21-9 for further information.

Federal Changes

If this is an amended Massachusetts return and it does not report changes that result from the filing of a federal amended return or from a federal audit (for example, if the amended Massachusetts return is reporting only a change in the apportionment calculation or an additional tax credit), fill in only the **Amended return** oval. If this is an amended return that includes changes you have reported on an amended federal return filed with the IRS for the same tax year, fill in both the **Amended return** oval and the **Amended return due to federal change** oval. If the amended Massachusetts return incorporates changes that are the result of an IRS audit, check both the **Amended return** and **Amended return due to federal audit** ovals; enclose a complete copy of the federal audit report and supporting schedules. If your amended return is being submitted due to an IRS BBA Partnership Audit then fill in the **Amended return due to IRS BBA Partnership Audit** oval.

Schedule DRE. Disclosure of Disregarded Entity

A corporation doing business in Massachusetts (including through the means of activities conducted by a disregarded entity that such corporation owns) and that is also the owner of a disregarded entity for any portion of the taxable year for which a return is being filed must identify each such disregarded entity by filing Schedule DRE with its return. A separate Schedule DRE is required for each such disregarded entity. See Schedule DRE instructions for additional information.

Schedule FCI. Foreign Corporation Income

Fill in the oval and enclose Schedule FCI (Foreign Corporation Income) if the corporation is required to complete and file Schedule FCI with Form M-990T.

All taxpayers with foreign corporation income (including GILTI income) must complete Schedule FCI. Detailed instructions for completing Schedule FCI are available on DOR's website. See Schedule FCI and Instructions.

Enclosing Schedule TDS. Inconsistent Filing Position Penalty

Fill in the oval and enclose Schedule TDS, Taxpayer Disclosure Statement, if you are disclosing any inconsistent filing positions. Schedule TDS is available on our website at mass.gov/dor. The inconsistent filing position penalty (see TIR 06-5, section IV) applies to taxpayers that take an inconsistent position in reporting income. These taxpayers must disclose the inconsistency when filing their Massachusetts return. If such inconsistency is not disclosed, the taxpayer will be subject to a penalty equal to the amount of tax attributable to the inconsistency. This penalty is in addition to any other penalties that may apply.

A taxpayer is deemed to have taken an inconsistent position when the taxpayer pays less tax in Massachusetts based upon an interpretation of Massachusetts law that differs from the position taken by the taxpayer in another state where the taxpayer files a return and the governing law in that other state is the same in all material respects as the Massachusetts law. The Commissioner may waive or abate the penalty if the inconsistency or failure to disclose was attributable to reasonable cause and not willful neglect.

IRC Section 501 Federal Tax Status

Fill in the applicable IRC Section 501 Federal Tax Status oval. Most exempt corporations (as defined in section 30 of M.G.L. ch 63 §30) are exempt from taxation under section 501(c)(3) of the Code. However, the taxpayer should fill in the oval and enter the specific code provisions if exempt under another subsection of IRC section 501.

NEW-Massachusetts Schedule E (Form M-990T)

Beginning in 2022, a new Massachusetts Schedule E (Form M-990T) must be completed and submitted as part of taxpayer's Form M-990T tax return. To complete Schedule E the taxpayer should enter amounts directly as reported on U.S. Form 990-T, Schedule A and any other line items as reported on U.S. Form 990-T. The total income on Schedule E cannot be less than zero. Losses may be carried forward to future years.

When a taxpayer has multiple unrelated businesses, the taxable income for each unrelated business must be calculated separately and may not be less than zero. Losses from one business of the taxpayer may not be used to offset income from another business of the tax-

payer. If one business of the taxpayer generates a loss, the taxpayer may only use that loss in future years to offset income of the business that originally generated it.

Schedule E Part I. Unrelated Trade or Business Income (lines 1 through 13)

Enter unrelated trade or business income amounts directly from U.S. Form 990-T, Schedule A, Part I, lines 1 through 13.

Line 4a. Capital gain net income

See instructions to U.S. Form 990-T, Schedule A Line 4a.

Line 4b. Net gain or loss from U.S. Form 4797

See instructions to U.S. Form 990-T, Schedule A, line 4b.

Line 4c. Unused capital loss carryover

Enter the amount of Capital Loss Deduction for Trusts from U.S. Form 990-T, Schedule A, line 4c.

Schedule E, Part II. Deductions Not Taken Elsewhere

Lines 1 through 15.

Enter Deductions Not Taken Elsewhere directly from U.S. Form 990-T, Schedule A, Part II, lines 1 through 15.

Line 16

Use the amount computed on Schedule E, Part I, line 13 to compute unrelated business taxable income in Schedule E, Part II.

Line 17 Deduction for Net Operating Loss (NOL)

(enter as a positive amount)

In calculating Massachusetts unrelated business taxable income, all net operating loss deductions claimed on federal Form 990-T (NOLs) must be added back. Enter the federal NOL add back adjustment claimed on federal Form 990-T here **as a positive amount**.

Line 18. Unrelated Business Taxable Income

Subtract line 17 from line 16 and enter here.

Schedule E Part III Adjustments (other adjustments from Form M-990T, line 8)

Other adjustments should be entered in Schedule E, Part III, lines 1 to 3.

Line 1

Adjustment relating to research and development expenses should be entered on Line 1. The taxpayer must enclose a statement explaining these adjustments.

Line 2. Abandoned Building and Renovation deduction

(enter as a negative amount)

Enter the total cost of renovating an abandoned building in an Economic Opportunity Area. Multiply this amount by .10 and enter the result on line 2 **as a negative amount**.

Line 3

Enter any other adjustments not reported on line 1 or 2 here.

Line 4. Total Part III Adjustments

Combine total of lines 1 through 3 and enter here. This amount should also be entered on Form M-990T, line 8.

Schedule E Part IV Adjustments (income not subject to apportionment from M-990T, line 12)

Enter any income that is not subject to apportionment in the spaces provided and compute the total amount of income that is not subject to apportionment. This total amount will be entered on line 12 of the M-990T Excise Tax Calculation.

Unrelated Business Income Tax Calculation

Note: An organization with more than one unrelated trade or business should enter the sum of the amounts from all Massachusetts Schedules E which were submitted with its Form M-990T on all relevant line items.

Line 1

Enter the exempt corporation's federal taxable income before net operating loss deduction and special deductions, from Schedule E, Part II, line 18.

Note: an exempt corporation eligible to claim a charitable deduction should subtract the amount reported on U.S. Form 990-T, line 4, from the federal taxable income reported on line 1.

Line 2

Massachusetts does not allow a deduction for state, local and foreign income, franchise, excise or capital stock taxes. Any such taxes which have been deducted from federal net income should be entered in line 2 and added back into income.

Line 3

Enter the amount of any section 168(k) "bonus" depreciation. Massachusetts has decoupled from the adoption of IRC § 168(k). This section provides for a special depreciation allowance for certain property placed in service during the three-year period beginning on September 11, 2001. Under the Massachusetts law, federal bonus depreciation is not allowed. For Massachusetts tax purposes, for taxable years ending after September 10, 2001, depreciation is to be claimed on all assets, regardless of when they are placed in service. Use the method used for federal income tax purposes prior to the enactment of § 168(k). For more information, see TIR 02-11 and TIR 03-25.

Line 4

Massachusetts law requires that a taxpayer add back to net income certain intangible expenses and costs. This add back is mandatory, with certain exceptions based generally upon showing by clear and convincing evidence that a particular add back would be unreasonable. To claim an exception, file Schedule ABIE, Exceptions to the Add Back of Intangible Expenses. For more information, see TIR 03-19.

Line 5

Massachusetts law requires that a taxpayer add back to net income certain interest expenses and costs, including losses incurred in connection with factoring or discounting transactions. This add back is mandatory, with certain exceptions based generally upon showing by clear and convincing evidence that a particular add back would be unreasonable. To claim an exception, file Schedule ABI, Exceptions to the Add Back of Interest Expenses. For more information, see TIR 03-19.

Line 6

In calculating Massachusetts unrelated business taxable income, all net operating loss deductions claimed on federal Form 990-T (NOLs) must be added back. Enter the federal NOL add back adjustment amount that you reported on Schedule E, Part II, line 17.

Line 7

Enter all interest received on state and municipal obligations not re-

ported in U.S. net income.

Line 8

Enter the total of other adjustments as reported on line 4 of Schedule E, Part III.

Line 9

Add lines 1 through 8 and enter the total amount on line 9.

Line 10

If the corporation conducts business activities in another state sufficient to give that state the jurisdiction to tax the corporation, Schedule F should be completed in order to determine the apportionment percentage. If all income is derived from business conducted in Massachusetts, enter 100% in line 10.

In completing Schedule F, if any of the apportionment totals for worldwide factors (lines 1c, 2a or 3f) are less than 3.33% of the income subject to apportionment (the amount in line 9), do not include that factor in calculating the apportionment percentage. The apportionment factors should be determined only with respect to the unrelated business activity of the exempt corporation. See 830 CMR 63.38.1 (11)(a)4b.

Line 12

Enter any income not subject to apportionment as reported on Schedule E, Part IV.

Line 14

A deduction is allowed for expenditures paid or incurred during the taxable year for the installation of any solar or wind powered climate control or water heating unit. Ancillary units do not qualify. In order to be eligible for this deduction, the property must be certified by the Office of Facilities Management.

Line 16

Massachusetts law allows for a loss carryover deduction. Enclose Schedule NOL to claim this deduction.

Line 19

If the corporation is required to recapture any amount of previously claimed EOA Credit, Low-Income Housing Credit, Brownfields Credit or Historic Rehabilitation Credit, complete the Credit Recapture Schedule and enter the result in line 19 of the return. Current year credits can then be used to offset the total excise due which will include the recapture amount. Also enter any installment sale tax due.

Line 21

The taxpayer must enter on line 21 the credit amount reported on

Schedule CMS that is being used to reduce current year excise tax liability. The total credit amount claimed may be subject to limitations. Do not include amounts reported in line 30.

See Schedule CMS for additional information.

Line 29

Enter the amount of any withholding tax from pass-through entities. Enter the Payer Identification Number of any lower-tier entity which withheld such amount. If the taxpayer is a member of more than one lower-tier entity, attach a statement listing the amounts withheld and the Payer Identification Number of each such lower-tier withholding entity.

Line 30

If the corporation is claiming a refundable credit, enter the amount(s) from the Credit Manager Schedule and enclose the completed Credit Manager Schedule with the return.

Lines 32 through 34

Overpayments and refunds. If line 31 is larger than line 24, enter the amount overpaid in line 32.

The overpayment may be applied in part or in full to 2023 estimated taxes by entering in line 33 the amount to be credited to 2023 estimated tax payments. Enter in line 34 the amount to be refunded.

An overpayment of tax cannot be applied as a credit to the tax of another account of this company or to the tax of another company.

Line 35

If line 24 is larger than line 31, enter the balance due in line 35. Payment in full is due on or before April 18, 2023.

Lines 36a and 36b

Any company that has an underpayment of estimated tax will incur a penalty on the underpayment for the period of the underpayment. Enclose a copy of Form M-2220. For more information, refer to the section, "Should the Exempt Corporation Be Making Estimated Tax Payments?"

Any company that fails to file a timely return will be subject to a late filing penalty of 1% per month, (or fraction thereof), and a late payment penalty of 1% per month, (or fraction thereof), on the amount required to be shown as the tax due on the return. For more information, refer to the section, "What Are the Penalties for Late Returns?"

Any company which fails to pay its tax when due will be subject to interest on the unpaid balance.

Line 38

Enter the total payment due.

Where to File

Taxpayers can file their tax returns online at mass.gov/masstax connect. Paper returns should be mailed to: **Massachusetts Department of Revenue, PO Box 7067, Boston, MA 02204.**