

1       AN ACT relating to a tax credit for renters.

2       *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3       ➔ SECTION 1. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO  
4       READ AS FOLLOWS:

5       (1) As used in this section:

6       (a) "Federal poverty line" means the official poverty line defined by the United  
7       States Office of Management and Budget based on the most recent data  
8       available from the United States Bureau of the Census, in accordance with  
9       42 U.S.C. sec. 9902(2);

10       (b) "Qualified rent payments" means the monetary amounts paid by a taxpayer  
11       during the taxable year to occupy a rented dwelling within the  
12       Commonwealth and does not include:

13       1. Advance rent payments that may be applied to a future calendar year;  
14       or

15       2. Security deposits that may be refunded on a later date;

16       (c) "Qualified renter" means an individual or family with a household income  
17       at or below one hundred thirty-three percent (133%) of the threshold  
18       amount;

19       (d) "Rented dwelling" means a permanent, primary residence in the  
20       Commonwealth in which a renter lives for at least six (6) months out of the  
21       year and includes:

22       1. Single-family houses;

23       2. Rooms within a single-family residence;

24       3. Apartments;

25       4. Duplexes;

26       5. Housing cooperatives;

27       6. Condominiums;

1                   7. *Prefabricated homes; or*

2                   8. *Any other permanent dwelling within the Commonwealth; and*

3                   (e) *"Threshold amount" means the federal poverty line established for the*

4                   *qualified renter's family size.*

5                   (2) (a) *For taxable years beginning on or after January 1, 2027, but before*

6                   *January 1, 2031, a qualified renter may claim a refundable tax credit*

7                   *against the tax imposed under KRS 141.020 for qualified rent payments*

8                   *incurred for each taxable year within which qualified rent payments are*

9                   *made.*

10                   (b) *The amount of the credit allowed in paragraph (a) of this subsection shall*

11                   *be equal to twenty-five percent (25%) of the qualified rent payments made to*

12                   *occupy a rented dwelling within the Commonwealth and shall not exceed*

13                   *one thousand dollars (\$1,000) for each taxable year.*

14                   (3) (a) *By November 1 of each year in which a qualified rent payment is claimed*

15                   *on any return filed, the department shall report to the Legislative Research*

16                   *Commission for referral to the Interim Joint Committee on Appropriations*

17                   *and Revenue:*

18                   1. *The cumulative amount of tax credits claimed by individuals for each*

19                   *taxable year;*

20                   2. *The cumulative number of returns that claimed the credit for each*

21                   *taxable year;*

22                   3. *Based on the mailing address of the return, the cumulative total*

23                   *amount of credits claimed by county for each taxable year; and*

24                   4. *Based on ranges of adjusted gross income of no larger than five*

25                   *thousand dollars (\$5,000), the cumulative amount of tax credit*

26                   *claimed by individuals for each adjusted gross income range for each*

27                   *taxable year.*

1                   **(b) The information required to be reported under this section shall not be**  
2                   **considered confidential taxpayer information and shall not be subject to**  
3                   **KRS Chapter 131 or any other provisions of the Kentucky Revised Statutes**  
4                   **prohibiting disclosure or reporting of information.**

5                   ➔ Section 2. KRS 141.0205 is amended to read as follows:

6                   If a taxpayer is entitled to more than one (1) of the tax credits allowed against the tax  
7                   imposed by KRS 141.020, 141.040, and 141.0401, the priority of application and use of  
8                   the credits shall be determined as follows:

9                   (1) The nonrefundable business incentive credits against the tax imposed by KRS  
10                   141.020 shall be taken in the following order:

11                   (a) The limited liability entity tax credit permitted by KRS 141.0401;  
12                   (b) The economic development credits computed under KRS 141.347, 141.381,  
13                   141.384, 141.3841, 141.400, 141.403, 141.407, 141.415, 154.12-207, and  
14                   154.12-2088;

15                   (c) The qualified farming operation credit permitted by KRS 141.412;

16                   (d) The certified rehabilitation credit permitted by KRS 171.397(1)(a);

17                   (e) The health insurance credit permitted by KRS 141.062;

18                   (f) The tax paid to other states credit permitted by KRS 141.070;

19                   (g) The credit for hiring the unemployed permitted by KRS 141.065;

20                   (h) The recycling or composting equipment credit permitted by KRS 141.390;

21                   (i) The ~~tax~~ credit for cash contributions in investment funds permitted by KRS  
22                   154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS  
23                   154.20-258;

24                   (j) The research facilities credit permitted by KRS 141.395;

25                   (k) The employer High School Equivalency Diploma program incentive credit  
26                   permitted under KRS 151B.402;

27                   (l) The voluntary environmental remediation credit permitted by KRS 141.418;

- (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
- (n) The clean coal incentive credit permitted by KRS 141.428;
- (o) The ethanol credit permitted by KRS 141.4242;
- (p) The cellulosic ethanol credit permitted by KRS 141.4244;
- (q) The energy efficiency credits permitted by KRS 141.436;
- (r) The railroad maintenance and improvement credit permitted by KRS 141.385;
- (s) The Endow Kentucky credit permitted by KRS 141.438;
- (t) The New Markets Development Program credit permitted by KRS 141.434;
- (u) The distilled spirits credit permitted by KRS 141.389;
- (v) The angel investor credit permitted by KRS 141.396;
- (w) The film industry credit permitted by KRS 141.383 for applications approved on or after April 27, 2018, but before January 1, 2022;
- (x) The inventory credit permitted by KRS 141.408;
- (y) The renewable chemical production credit permitted by KRS 141.4231; and
- (z) The qualified broadband investment ~~tax~~ credit permitted by KRS 141.391;

(2) After the application of the nonrefundable credits in subsection (1) of this section, the nonrefundable personal tax credits against the tax imposed by KRS 141.020 shall be taken in the following order:

- (a) The individual credits permitted by KRS 141.020(3);
- (b) The credit permitted by KRS 141.066;
- (c) The tuition credit permitted by KRS 141.069;
- (d) The household and dependent care credit permitted by KRS 141.067;
- (e) The income gap credit permitted by KRS 141.066; and
- (f) The Education Opportunity Account Program ~~tax~~ credit permitted by KRS 141.522;

(3) After the application of the nonrefundable credits provided for in subsection (2) of this section, the refundable credits against the tax imposed by KRS 141.020 shall be

1                   taken in the following order:

2                   (a) The individual withholding tax credit permitted by KRS 141.350;

3                   (b) The individual estimated tax payment credit permitted by KRS 141.305;

4                   (c) The certified rehabilitation credit permitted by KRS 171.3961, 171.3963, and

5                   171.397(1)(b);

6                   (d) The film industry ~~tax~~ credit permitted by KRS 141.383 for applications

7                   approved prior to April 27, 2018, or on or after January 1, 2022;

8                   (e) The development area ~~tax~~ credit permitted by KRS 141.398;

9                   (f) The decontamination ~~tax~~ credit permitted by KRS 141.419; ~~and~~

10                  (g) The pass-through entity tax credit permitted by KRS 141.209; and

11                  (h) **The qualified rent payment credit permitted by Section 1 of this Act;**

12                  (4) The nonrefundable credit permitted by KRS 141.0401 shall be applied against the

13                  tax imposed by KRS 141.040;

14                  (5) The following nonrefundable credits shall be applied against the sum of the tax

15                  imposed by KRS 141.040 after subtracting the credit provided for in subsection (4)

16                  of this section, and the tax imposed by KRS 141.0401 in the following order:

17                  (a) The economic development credits computed under KRS 141.347, 141.381,

18                  141.384, 141.3841, 141.400, 141.403, 141.407, 141.415, 154.12-207, and

19                  154.12-2088;

20                  (b) The qualified farming operation credit permitted by KRS 141.412;

21                  (c) The certified rehabilitation credit permitted by KRS 171.397(1)(a);

22                  (d) The health insurance credit permitted by KRS 141.062;

23                  (e) The unemployment credit permitted by KRS 141.065;

24                  (f) The recycling or composting equipment credit permitted by KRS 141.390;

25                  (g) The coal conversion credit permitted by KRS 141.041;

26                  (h) The enterprise zone credit permitted by KRS 154.45-090, for taxable periods

27                  ending prior to January 1, 2008;

- (i) The ~~tax~~ credit for cash contributions to investment funds permitted by KRS 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS 154.20-258;
- (j) The research facilities credit permitted by KRS 141.395;
- (k) The employer High School Equivalency Diploma program incentive credit permitted by KRS 151B.402;
- (l) The voluntary environmental remediation credit permitted by KRS 141.418;
- (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
- (n) The clean coal incentive credit permitted by KRS 141.428;
- (o) The ethanol credit permitted by KRS 141.4242;
- (p) The cellulosic ethanol credit permitted by KRS 141.4244;
- (q) The energy efficiency credits permitted by KRS 141.436;
- (r) The ENERGY STAR home or ENERGY STAR manufactured home credit permitted by KRS 141.437;
- (s) The railroad maintenance and improvement credit permitted by KRS 141.385;
- (t) The railroad expansion credit permitted by KRS 141.386;
- (u) The Endow Kentucky credit permitted by KRS 141.438;
- (v) The New Markets Development Program credit permitted by KRS 141.434;
- (w) The distilled spirits credit permitted by KRS 141.389;
- (x) The film industry credit permitted by KRS 141.383 for applications approved on or after April 27, 2018, but before January 1, 2022;
- (y) The inventory credit permitted by KRS 141.408;
- (z) The renewable chemical production ~~tax~~ credit permitted by KRS 141.4231;
- (aa) The Education Opportunity Account Program ~~tax~~ credit permitted by KRS 141.522; and
- (ab) The qualified broadband investment ~~tax~~ credit permitted by KRS 141.391; and

1       (6) After the application of the nonrefundable credits in subsection (5) of this section,  
2       the refundable credits shall be taken in the following order:  
3           (a) The corporation estimated tax payment credit permitted by KRS 141.044;  
4           (b) The certified rehabilitation credit permitted by KRS 171.3961, 171.3963, and  
5           171.397(1)(b);  
6           (c) The film industry ~~tax~~ credit permitted by KRS 141.383 for applications  
7           approved prior to April 27, 2018, or on or after January 1, 2022;  
8           (d) The decontamination ~~tax~~ credit permitted by KRS 141.419; and  
9           (e) The pass-through entity tax credit permitted by KRS 141.209.

10       ➔Section 3. KRS 131.190 is amended to read as follows:

11       (1) No present or former commissioner or employee of the department, present or  
12       former member of a county board of assessment appeals, present or former property  
13       valuation administrator or employee, present or former secretary or employee of the  
14       Finance and Administration Cabinet, former secretary or employee of the Revenue  
15       Cabinet, or any other person, shall intentionally and without authorization inspect  
16       or divulge any information acquired by him or her of the affairs of any person, or  
17       information regarding the tax schedules, returns, or reports required to be filed with  
18       the department or other proper officer, or any information produced by a hearing or  
19       investigation, insofar as the information may have to do with the affairs of the  
20       person's business.

21       (2) The prohibition established by subsection (1) of this section shall not extend to:  
22           (a) Information required in prosecutions for making false reports or returns of  
23           property for taxation, or any other infraction of the tax laws;  
24           (b) Any matter properly entered upon any assessment record, or in any way made  
25           a matter of public record;  
26           (c) Furnishing any taxpayer or his or her properly authorized agent with  
27           information respecting his or her own return;

- (d) Testimony provided by the commissioner or any employee of the department in any court, or the introduction as evidence of returns or reports filed with the department, in an action for violation of state or federal tax laws or in any action challenging state or federal tax laws;
- (e) Providing an owner of unmined coal, oil or gas reserves, and other mineral or energy resources assessed under KRS 132.820, or owners of surface land under which the unmined minerals lie, factual information about the owner's property derived from third-party returns filed for that owner's property, under the provisions of KRS 132.820, that is used to determine the owner's assessment. This information shall be provided to the owner on a confidential basis, and the owner shall be subject to the penalties provided in KRS 131.990(2). The third-party filer shall be given prior notice of any disclosure of information to the owner that was provided by the third-party filer;
- (f) Providing to a third-party purchaser pursuant to an order entered in a foreclosure action filed in a court of competent jurisdiction, factual information related to the owner or lessee of coal, oil, gas reserves, or any other mineral resources assessed under KRS 132.820. The department may promulgate an administrative regulation establishing a fee schedule for the provision of the information described in this paragraph. Any fee imposed shall not exceed the greater of the actual cost of providing the information or ten dollars (\$10);
- (g) Providing information to a licensing agency, the Transportation Cabinet, or the Kentucky Supreme Court under KRS 131.1817;
- (h) Statistics of gasoline and special fuels gallonage reported to the department under KRS 138.210 to 138.448;
- (i) Providing any utility gross receipts license tax return information that is necessary to administer the provisions of KRS 160.613 to 160.617 to



- 1                   16. KRS 141.419 for purposes of the decontamination credit;
- 2                   17. KRS 141.391 for purposes of the qualified broadband investment credit;
- 3                   18. KRS 139.499 for purposes of the sales and use tax exemptions for a
- 4                    qualified data center project; ~~{and}~~
- 5                   19. KRS 139.5325 for purposes of the sales and use tax incentive for a
- 6                    qualifying attraction; and

7                   **20. Section 1 of this Act for purposes of the qualified rent payment credit.**

- 8                   (3) The commissioner shall make available any information for official use only and on  
9                   a confidential basis to the proper officer, agency, board or commission of this state,  
10                   any Kentucky county, any Kentucky city, any other state, or the federal  
11                   government, under reciprocal agreements whereby the department shall receive  
12                   similar or useful information in return.
- 13                   (4) Access to and inspection of information received from the Internal Revenue Service  
14                   is for department use only, and is restricted to tax administration purposes.  
15                   Information received from the Internal Revenue Service shall not be made available  
16                   to any other agency of state government, or any county, city, or other state, and  
17                   shall not be inspected intentionally and without authorization by any present  
18                   secretary or employee of the Finance and Administration Cabinet, commissioner or  
19                   employee of the department, or any other person.
- 20                   (5) Statistics of crude oil as reported to the department under the crude oil excise tax  
21                   requirements of KRS Chapter 137 and statistics of natural gas production as  
22                   reported to the department under the natural resources severance tax requirements  
23                   of KRS Chapter 143A may be made public by the department by release to the  
24                   Energy and Environment Cabinet, Department for Natural Resources.
- 25                   (6) Notwithstanding any provision of law to the contrary, beginning with mine-map  
26                   submissions for the 1989 tax year, the department may make public or divulge only  
27                   those portions of mine maps submitted by taxpayers to the department pursuant to

1       KRS Chapter 132 for ad valorem tax purposes that depict the boundaries of mined-  
2       out parcel areas. These electronic maps shall not be relied upon to determine actual  
3       boundaries of mined-out parcel areas. Property boundaries contained in mine maps  
4       required under KRS Chapters 350 and 352 shall not be construed to constitute land  
5       surveying or boundary surveys as defined by KRS 322.010 and any administrative  
6       regulations promulgated thereto.