

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 2483**

By Delegate Rowe

[Originating in the Committee on Finance; February

16,2023]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §11-21-8i; and to amend said code by adding thereto a new section,  
3 designated §11-24-23h, all relating to reducing income tax liability for taxpayers who  
4 improve certain building facades in historic districts; providing for a tax credit of the  
5 replacement cost of historic facades; providing for a reduction in federal adjusted gross  
6 income in certain circumstances for certain replacement costs of historic facades; setting  
7 forth conditions; providing for application; and requiring rulemaking.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE                    21.                    PERSONAL                    INCOME                    TAX.**

**§11-21-8i. Tax credit for improving facades in historic districts.**

1            (a) A credit against the tax imposed by the provisions of this article is allowed for non-  
2 historic structures. The credit is available for replacements of the façades of non-historic  
3 structures located in this state that are reviewed by the state historic preservation office and are  
4 determined to complement the historic facades in the historic district and materially improve the  
5 overall historic appearance of the district. The credit is equal to twenty-five percent of eligible  
6 replacement expenses incurred in the replacement of the façade.

7            (b) (1) “Certified non-historic structure” means any building located in this state that is non-  
8 contributing to an historic district listed in the national register of historic places, as certified by the  
9 state historic preservation office.

10           (2) “Eligible replacement expenses” means expenses incurred in the replacement of the  
11 façade of a non-historic structure.

12           (3) “Façade” means the exterior wall of a building within public view from a public space.

13           (c)(1) Any person seeking to apply for the tax credit authorized by this section shall apply to  
14 the state historic preservation officer as defined in §11-21-8g of this code.

15           (2) The state historic preservation officer shall review the application and make a  
16 determination whether or not the proposed replacement of the façade complements the historic

17 facades in the historic district, materially improves the overall historic appearance of the district,  
18 and does not create a false sense of history. The state historic preservation officer shall issue tax  
19 credit certificates for approved applications and the certificate shall accompany any claim for tax  
20 credit.

21 (d) If the amount of the credit authorized by this section exceeds the taxpayer's tax liability  
22 for the taxable year to which the credit applies, the amount that exceeds the tax liability for the  
23 taxable year may be carried over for credits against the income taxes of the taxpayer in each of the  
24 ensuing five tax years or until the full credit is used, whichever occurs first. In no event may the  
25 amount of the credit taken in a taxable year exceed the tax liability due for the taxable year.  
26 Credits authorized that exceed the taxpayer's tax liability for the taxable year to which the credit  
27 applies may not be carried back to previous tax years.

28 (e) The Tax Commissioner shall require disclosure of information regarding credits granted  
29 pursuant to this section in accordance with the provisions of §11-10-5s of this code. The curator of  
30 the West Virginia Department of Art, Culture, and History shall propose rules for legislative  
31 approval in accordance with the provisions of §29A-3-1 et seq. of this code to implement the credit  
32 authorized by this section, including application procedures and requirements, and reasonable  
33 fees to defray the necessary expenses of administration of the credit.

34 (f) No credit may be authorized pursuant to the provisions of this section for the same  
35 expenses for which credit is claimed pursuant to the provisions of §11-21-8g of this code.

36 (g) The credit authorized by this section is available for tax years beginning after December  
37 31, \_\_\_\_\_ 2022.

**ARTICLE 24. CORPORATION NET INCOME TAX.**

**§11-24-23h. Tax credit for improving facades in historic districts.**

1 (a) A credit against the tax imposed by the provisions of this article is allowed for non-  
2 historic structures. The credit is available for replacements of the façades of non-historic  
3 structures located in this state that are reviewed by the West Virginia Division of Culture and

4 History and are determined to complement the historic facades in the historic district and  
5 materially improve the overall historic appearance of the district. The credit is equal to twenty-five  
6 percent of eligible replacement expenses incurred in the replacement of the façade.

7 (b) (1) “Certified non-historic structure” means any building located in this state that is non-  
8 contributing to an historic district listed in the national register of historic places, as certified by the  
9 state historic preservation office.

10 (2) “Eligible replacement expenses” means expenses incurred in the replacement of the  
11 façade of a non-historic structure.

12 (3) “Façade” means the exterior wall of a building within public view from a public space.

13 (c)(1) Any person seeking to apply for the tax credit authorized by this section shall apply to  
14 the state historic preservation officer as defined in §11-24-23b of this code.

15 (2) The state historic preservation officer shall review the application and make a  
16 determination whether or not the proposed replacement of the façade complements the historic  
17 facades in the historic district, materially improves the overall historic appearance of the district,  
18 and does not create a false sense of history. The state historic preservation officer shall issue tax  
19 credit certificates for approved applications and the certificate shall accompany any claim for tax  
20 credit.

21 (d) If the amount of the credit authorized by this section exceeds the taxpayer’s tax liability  
22 for the taxable year to which the credit applies, the amount that exceeds the tax liability for the  
23 taxable year may be carried over for credits against the income taxes of the taxpayer in each of the  
24 ensuing five tax years or until the full credit is used, whichever occurs first. In no event may the  
25 amount of the credit taken in a taxable year exceed the tax liability due for the taxable year.  
26 Credits authorized that exceed the taxpayer’s tax liability for the taxable year to which the credit  
27 applies may not be carried back to previous tax years.

28 (e) The Tax Commissioner shall require disclosure of information regarding credits granted  
29 pursuant to this section in accordance with the provisions of §11-10-5s of this code. The curator of

30 the West Virginia Department of Art, Culture, and History shall propose rules for legislative  
31 approval in accordance with the provisions of §29A-3-1 et seq. of this code to implement the credit  
32 authorized by this section, including application procedures and requirements, and reasonable  
33 fees to defray the necessary expenses of administration of the credit.

34 (f) No credit may be authorized pursuant to the provisions of this section for the same  
35 expenses for which credit is claimed pursuant to the provisions of §11-24-23a of this code.

36 (g) The credit authorized by this section is available for tax years beginning after December  
37 31, \_\_\_\_\_ 2022.