

## **College Access Tax Credit Allocation and Certification Regulations**

(Authority and Reference: Revenue and Taxation Code Sections 12207, 17053.87, and 23687)

### **Section 1. Definitions**

The following definitions shall apply wherever the terms are used throughout these Regulations.

- (a) “Application” means Application - College Access Tax Credit, CEFA Form No. CATC-1a (6/2017), or Online Application - College Access Tax Credit, CEFA Form No. CATC-1b (6/2017).
- (b) “Authority” means the California Educational Facilities Authority.
- (c) “College Access Tax Credit” or “tax credit” means the tax credits that may be available to taxpayers for Contributions made to the College Access Tax Credit Fund under Revenue and Taxation Code sections 12207, 17053.87, and 23687.
- (d) “College Access Tax Credit Certification” means College Access Tax Credit Certification, CEFA Form No. CATC-4a (4/2017) or CEFA Form No. CATC-4b (4/2017), as applicable.
- (e) “Contribution” means a donation to the Fund in the form of cashier’s check, money order, or Electronic Fund Transfer. For business entities only, checks written on the entity’s business account will be acceptable. Electronic Fund Transfer only included wire transfer and Automated Clearing House.
- (f) “Contribution Submittal Form” means Contribution Submittal Form – College Access Tax Credit, CEFA Form No. CATC-3a (4/2017), CEFA Form No. CATC-3b (4/2017), CEFA Form No. CATC-3c (4/2017), or CEFA Form No. CATC-3d (4/2017), as applicable.
- (g) “Executive Director” means the Executive Director of the Authority.
- (h) “Fund” means the College Access Tax Credit Fund, created pursuant to Revenue and Taxation Code section 17053.87.
- (i) “Notice of Allocation Reservation” means Notice of Allocation Reservation – College Access Tax Credit, CEFA Form No. CATC-2 (4/2017).
- (j) “Taxable Year” means the 12-month period defined by the Internal Revenue Service for each taxpayer’s tax season, starting in January and ending in December.

## Section 2. Maximum College Access Tax Credit Amounts

- (a) For Taxable Years 2017 – 2027, the Authority shall allocate and certify tax credits totaling no more than five hundred million dollars (\$500,000,000).
- (b) The amount of the College Access Tax Credit shall be based on a percentage of the Contribution as follows:

Taxable Year	Percentage
2014	60%
2015	55%
<u>2016 – 2027</u>	<u>50%</u>

## Section 3. Application

- (a) A taxpayer shall submit an Application to the Authority to request a tax credit.
- (b) Applications shall be available on the Authority's website at [www.treasurer.ca.gov/cefa/catc](http://www.treasurer.ca.gov/cefa/catc) on the first business day in March of each taxable year.
- (c) The Application shall be submitted to the Authority by mail, facsimile, or online.
- (1) Mail:  
California Educational Facilities Authority  
Attn: CATCF Administrator  
901 P Street, Room 313  
Sacramento, CA 95814
  - (2) Facsimile to (916) 653-2179
  - (3) Online at [www.treasurer.ca.gov/cefa/catc](http://www.treasurer.ca.gov/cefa/catc)
- (d) Applications shall be received by the Authority no later than 5:00 p.m. (Pacific Time) on the deadline date which is the first business day in January of the following taxable year.
- (1) The dates for availability of the Application and the deadline date for Application submission shall be posted on the Authority's website as specified in subdivision (b) above.
- (e) Taxpayers shall be notified by mail or telephone if the Application is incomplete or if tax credits are no longer available.

#### **Section 4. Notice of Allocation Reservation**

(a) The Authority shall reserve tax credits for allocation and certification to taxpayers on a first come, first served basis, as determined by the date the Authority received the Application.

(1) If two or more Applications are received on the same day and the amount of tax credits available is insufficient to fully allocate and certify tax credits to each taxpayer, the tax credits shall be reserved for allocation and certification to those taxpayers on a pro-rata basis.

(2) Applications received by the Authority after 5:00 p.m. (Pacific Time) shall be deemed to be received by the Authority on the following day.

(b) If tax credits are available, a Notice of Allocation Reservation shall be sent to the taxpayer within ten (10) days from the receipt of the Application.

(c) Subject to Section 2, subdivision (a), tax credits that are not allocated and certified, or reserved for allocation and certification, are deemed to be available.

#### **Section 5. Contribution Submittal Form**

(a) A taxpayer shall submit a Contribution and the Contribution Submittal Form to the Authority within twenty (20) days from the date of the Notice of Allocation Reservation.

(b) If the Authority does not receive the Contribution and the Contribution Submittal Form within twenty (20) days from the date of the Notice of Allocation Reservation, tax credits reserved for a taxpayer may be made available to other taxpayers.

(c) The Authority may return Contributions received by the Authority later than twenty (20) days from the date of the Notice of Allocation Reservation.

(d) Contributions shall be in the amount specified on the Notice of Allocation Reservation.

(e) Notwithstanding subdivision (d) of this Section, if the Contribution amount received by the Authority is greater than the amount specified on the Notice of Allocation Reservation, the Authority may increase the amount of tax credits allocated and certified to the taxpayer in accordance with Section 2 if tax credits are available.

(f) Notwithstanding subdivision (d) of this Section, if the Contribution amount received by the Authority is less than the amount specified on the Notice of Allocation Reservation, the Authority may decrease the amount of tax credits allocated and certified to the taxpayer in accordance with Section 2.

(1) The remaining amount of tax credits may be made available to other taxpayers.

## **Section 6. College Access Tax Credit Certification**

(a) The Authority shall allocate and certify tax credits and issue a College Access Tax Credit Certification to a taxpayer within fifteen (15) days after receipt by the Authority of the Contribution and the Contribution Submittal Form.

(b) A copy of the College Access Tax Credit Certification and information submitted to the Authority by the taxpayer shall be provided to the Franchise Tax Board by March 1, of the following year and upon request by the Franchise Tax Board.

(c) A copy of the College Access Tax Credit Certification and information submitted to the Authority by the taxpayer shall be provided to the Department of Insurance by March 1, of the following year and upon request by the Department of Insurance.

## **Section 7. Executive Director**

The Executive Director shall administer the College Access Tax Credit, including, but not limited to, allocation and certification.

## **Section 8. Authority Responsibility**

(a) The Authority is not responsible for any carrier, mail, facsimile, email, or website transmittal or delivery delays or failures of any kind.

(b) The Authority is authorized to allocate and certify tax credits as provided in these Regulations and authorizing statutes. The Authority is not responsible for the use or claim of any tax credit allocated and certified to a taxpayer.