Government of the District of Columbia
Office of the Chief Financial Officer
Office of Tax and Revenue

# FR-399 Qualified High Technology Companies

Revised: 12/14

# QUALIFIED HIGH TECHNOLOGY COMPANIES
# TAX BENEFITS

The New E-Conomy Transformation Act of 2000 (the Act) granted certain tax benefits to DC Qualified High Technology Companies for tax years beginning after December 31, 2000.

The Qualified High Technology Clarification Act of 2014 (Subtitle R of FY 15 Budget Support Act of 2014, A20-750), has made several changes in the qualification requirements and clarification of certain provisions which will be applicable for the tax years beginning after 12/31/2014. You are advised to consult the new law to determine the impact on your company

This FR-399 revision applies to tax years beginning before 1/1/2015.

**A Qualified High Technology Company (QHTC) is one which –**

a) Is an individual or entity organized for profit;
b) Maintains an office, headquarters, or base of operations in the District of Columbia (DC);
c) Has 2 or more employees in the District of Columbia;
d) Derives at least 51% of its gross revenue from one or more of certain "permitted" activities* (DC Code Sec. 47-1817.01(5)(A)(iii));
e) Does not derive 51% or more of its gross revenue from operating a retail store or electronic equipment facility in DC;
f) Is registered with the DC Government as a business in DC.

If the accounting method used does not readily permit the verification of revenue for use in determining the status of a corporation as a QHTC, the corporation may petition for, or the Chief Financial Officer may use a cost of performance method described in DC Code §47-1817.01a(b).

**Permitted Activities include —**

- Internet-related services and sales including website design, maintenance, hosting, or operation;
- Internet-related training, consulting, advertising, or promotion services; the development, rental, lease, or sale of Internet-related applications, connectivity, or digital content; or products and services that may be considered e-commerce;
- Information and communication technologies, equipment and systems that involve advanced computer software and hardware, data processing, visualization technologies, or human interface technologies, whether deployed on the Internet or other electronic or digital media;
- Advanced materials and processing technologies that involve the development, modification, or improvement of one or more materials or methods to produce devices and structures with improved performance characteristics or special functional attributes, or to activate, speed up, or otherwise alter chemical, biochemical, or medical processes;
- Engineering, production, biotechnology and defense technologies that involve knowledge-based control systems and architectures; advanced fabrication and design processes, equipment and tools; or propulsion, navigation, guidance, nautical, aeronautical and astronautical ground and airborne systems, instruments and equipment; and
- Electronic and photonic devices and components for use in producing electronic, optoelectronic, mechanical equipment and products of electronic distribution with interactive media content.

*(See pages 27 and 28 for an expanded list of permitted activities.)

**TAX BENEFITS**

The various DC tax credits and other tax benefits available to incorporated QHTC are –

Tax Credits for:
- Costs of retraining qualified disadvantaged employees;
- Wages paid to qualified disadvantaged employees;
- Wages paid to qualified employees; and
- Payments for or reimbursements of employee relocation costs.

Other DC Tax Benefits:
- Exemption from sales tax for sales by QHTCs of intangible property or services; See DC Code §47-2001(n)(2)(G);
- Reduction of the corporate franchise tax rate;
- Partial exemption from the personal property tax;
- Exemption for 5 years, on or after January 1, 2012, from the DC corporate franchise tax, or $15 million, whichever is lesser;
- Deduction for Internal Revenue Code (IRC) section 179 expenses (up to $40,000);
- Reduction in real property tax for qualified leasehold improvements made by, or for, a QHTC tenant;
- Rollover (deferral) of certain capital gains.

**Claiming QHTC Tax Benefits**

To be eligible to claim a tax credit or any of the other tax benefits available under the Act you must attach a QHTC-CERT form to the appropriate DC tax form: D-20; D-65; D-40; or FP-31. The QHTC-CERT form is a certification that you meet all of the conditions required of a QHTC. If the certification is not made in good faith a penalty may be imposed.

**Note: If the QHTC-CERT is not attached, and except for the D-40, if the QHTC oval on the filed return is not filled in, QHTC status will not be recognized.**

**TAX CREDITS AVAILABLE TO QHTCs**

**I. <u>Retraining Costs for Qualified Disadvantaged Employees</u> (refundable credit - corporations only) DC Code §47-1817.04**

**A Qualified Disadvantaged Employee is:**

a) A DC resident and
b) A recipient of Temporary Assistance for Needy Families (TANF); or
c) A recipient of TANF in the period immediately preceding employment; or
d) A person released from incarceration within twenty four months before the date of employment by a QHTC; or
e) An employee hired, or relocated to DC, after December 31, 2000, and for whom a QHTC is eligible to claim the Welfare to Work Tax Credit or the Work Opportunity Tax Credit under IRC sec. 51.

**The term "qualified disadvantaged employee" does not include:**

a) A temporary or seasonal employee; or
b) An employee employed as the result of:
   1) The displacement of another employee;
   2) A strike or lockout;
   3) A layoff in which other employees are awaiting recall;
   4) A reduction of the regular wages, benefits, or rights granted to other employees in similar jobs; or
   5) A key employee.

**Retraining Expenses**

For years beginning after December 31, 2000, a QHTC may claim a credit against its DC corporate franchise tax for expenses it paid or incurred during the taxable year for retraining qualified disadvantaged employees. This dollar limited credit may be taken as a refundable credit for up to 50 percent of any unused portion in the year incurred or it may be carried forward for 10 years. For corporate filers this and other QHTC credits are taken on a Form D-20CR filed with the Form D-20 and the Form QHTC-CERT.

**Expenditures eligible for tax credit and paid by a QHTC to retrain a qualified disadvantaged employee are:**

a) Tuition, costs, or fees for credit or noncredit courses leading to academic degrees or certification of professional, technical, or administrative skills taken at a District-based, accredited college or university;
b) The cost of formally enrolling in training programs offered by non-profit training providers (including community or faith-based organizations) certified for providing training, or job-readiness preparation at skill levels suitable for immediate performance of entry-level jobs that are pre-qualified by the DC Department of Employment Services and which are in demand among technology companies in general;
c) Eligible training programs, other than those at a District-based accredited college or university, which are pre-qualified by the DC Department of Employment Services;
d) Worker retraining programs taken through an apprenticeship agreement approved by the DC Apprenticeship Council.

**Limitations on the retraining tax credit**

The retraining credit is limited to $20,000 for each qualified disadvantaged employee during the first 18 months of employment. If the amount of this credit exceeds the tax otherwise due from a QHTC, the unused amount of the credit may be carried forward but not <u>beyond</u> the tenth year following the first year the taxpayer files a return claiming the credit. The QHTC may also elect to take a refundable credit in an amount equal to fifty percent of the unused credit <u>with no carryover</u> to subsequent years.

**<u>II. Wages Paid to Qualified Disadvantaged Employees</u>**

A corporate QHTC is allowed a credit against its DC corporate franchise tax equal to fifty percent of the wages paid to a qualified disadvantaged employee, during the first 24 calendar months of employment. DC Code §47-1817.05

This credit <u>will not</u> be allowed if:
a) the QHTC grants the qualified employee lesser benefits or rights than it grants other employees in similar jobs; or
b) the qualified employee was employed as the result of:
   1) The displacement of another employee;
   2) A strike or lockout;
   3) A layoff in which other employees are awaiting recall;
   4) A reduction of the regular wages, benefits, or rights of other employees in similar jobs; or
   5) The employee is a key employee.

**Limitations on the credit for wages paid to qualified disadvantaged employees**

The credit is limited to $15,000 per year for each qualified disadvantaged employee.

If the amount of the wages credit exceeds the DC corporate franchise tax due from a QHTC, the unused credit may be carried forward but not <u>beyond</u> the tenth year following the first year the taxpayer filed a return claiming the credit.

**<u>III. Wages Paid to Qualified Employees</u>**

For taxable years beginning after December 31, 2000, a corporate QHTC may claim a credit against its DC corporate franchise tax in an amount equal to ten percent of the wages paid to a qualified employee hired in the District after December 31, 2000 and employed by it in DC in any of the listed permitted activities. DC Code §47-1817.03

The credit will not be allowed if:

a) The QHTC grants the qualified employee lesser benefits or rights than it grants other employees in similar jobs; or
b) The qualified employee in the District was employed as the result of:
   1) The displacement of another employee;
   2) A strike or lockout;
   3) A layoff in which other employees are awaiting recall;
   4) A reduction of the regular wages, benefits, or rights granted to other employees in similar jobs; or
   5) The employee is a key employee.

**Limitations on the tax credit for wages paid to qualified employees**

The wages must be paid during the first 24 calendar months of employment.

If the amount of the credit exceeds the DC corporate franchise tax due from the QHTC the unused amount may be carried forward but not <u>beyond</u> the tenth year following the first year the taxpayer filed a return claiming the credit.

The credit may not exceed $5,000 in a taxable year for each qualified employee.

## IV. Relocation Costs

For taxable years beginning after December 31, 2000, a corporate QHTC may claim a credit against its DC corporate franchise tax for each dollar reimbursed to or paid on behalf of each qualified employee for the cost of relocating the employee to DC. This credit is not available if the relocation costs are claimed as a deduction by the corporation. DC Code §47-1817.02

### Qualified Employee

A qualified employee is a person employed in DC by a QHTC for 35 hours or more per week in any of the permitted activities.

The relocation credit is not allowed:

a) Until the QHTC relocates at least two qualified employees from employment outside DC to employment in DC;
b) Until the QHTC has employed the qualified employee for at least six months in DC in a permitted activity;
c) If the qualified employee works less than 35 hours per week;
d) If the QHTC has claimed a deduction for the relocation costs; or
e) If the employee is a Key Employee.

If the amount of the relocation credit allowable exceeds the DC corporate franchise tax otherwise due from a QHTC, the unused amount of the credit may be carried forward but not beyond the tenth year following the first year the taxpayer filed a return claiming the credit.

### Which Relocation Costs Qualify?

Qualifying relocation costs include amounts paid by a corporate QHTC to a qualified employee for reimbursement of:

a) Moving expenses as defined in IRC section 217(b)(1); and
b) Financial assistance in purchasing a residence, in paying a security deposit or in procuring a one-year lease for a residence in DC. The commencement date of the employee's move or financial assistance must be after December 31, 2000. Only costs related to one relocation per qualified employee are allowed.

### Limitations on the tax credit for relocation costs

This credit may not exceed –

a) $5,000 for each employee who relocates his/her employment to DC but does not relocate his/her principal residence to DC. The total annual credit taken by a QHTC may not exceed $250,000.
b) $7,500 for each employee who relocates his/her employment to DC and who also relocates his/her principal residence to DC. The total annual credit taken by a QHTC may not exceed $1,000,000.

Principal residence is determined as of the last day of the first six months of employment in DC by a QHTC.

If the amount of the credit exceeds the DC corporate franchise tax liability, the unused amount may be carried forward but not beyond the tenth year following the first year the taxpayer filed a return claiming the credit.

### Key Employee

A key employee is:

a) A member of the board of directors of the QHTC; or
b) Directly or indirectly the owner of a majority of the QHTC's stock; or
c) Related to a member of the QHTC's board of directors or to a majority stockholder of the QHTC as a spouse or relative within the definition of "dependent" in IRC sec. 152.

## DC TAXES AND QHTCs

## V. Franchise Tax

For Taxable Years beginning after December 31, 2000, a QHTC filing a DC franchise tax return is granted a reduced corporate franchise tax rate as follows for a Qualified High Technology Company certified pursuant to §47-1805.05:
"(i) Before January 1, 2012, shall not be subject to the tax imposed by this chapter for 5 years after the date that the Qualified High Technology Company commences business in the District; and
"(ii) On or after January 1, 2012, shall not be subject to the tax imposed by this chapter for 5 years after the date that the Qualified High Technology Company has taxable income.

However, the total amount that each Qualified High Technology Company may receive in exemptions shall not exceed $15 million. After the 5 year period or the $15 million limit is reached, incorporated QHTCs pay a rate of 6%.

## VI. Personal Property Tax

Qualified tangible personal property (within the meaning of DC Code §47-1521(4)) purchased and used or held for use by a QHTC (corporate and unincorporated) after December 31, 2000, is exempt from DC personal property tax for 10 years beginning with the year of purchase.

If the tangible personal property is used or is available for use in the eleventh year and thereafter, the property must then be reported at 25% of the original cost or exchange value, unless it is qualified technological equipment (see DC Code §47-1523(b)). In that case it must be reported at 10% of the original cost or exchange value. See pages 23-24 of this publication for information on refunds and exemptions with respect to tangible personal property.

## BUSINESS ASSET DEDUCTIONS AND QHTCs

## VII. Deductions for Certain Depreciable Business Assets

A QHTC may deduct the lesser of $40,000 or the actual cost of personal property described in IRC section 179(d)(1).

## VIII. Unincorporated Business Franchise Tax Exemption

A QHTC business that is not a corporation is exempt from the unincorporated business franchise tax. However unincorporated QHTCs must file a D-65 Partnership Return, or a D-40 Individual Income Tax Return with Federal Schedule C attached. A completed QHTC-CERT form must be filed with the D-40 or D-65 return.

**IX. Capital Gain and QHTCs**

Qualified capital gain from the sale or exchange of a QHTC's capital assets is no longer exempt.

Rollover of capital gain from qualified stock to other qualified stock. Qualified stock is that which satisfies the requirement for small business stock under IRC section 1202(c) and is issued by a QHTC. Where gain is realized on the sale of qualified stock held by a taxpayer, other than a corporation, for more than six months the taxpayer may elect to defer recognition of gain unless it was previously deferred.

However, if a taxpayer purchases qualified stock within 60 days of selling other qualified stock, gain is recognized. Gain is recognized to the extent gain realized on the sale exceeds the cost of the qualified stock purchased.

The taxpayer's holding period is determined without regard to IRC section 1223. This treatment does not apply to gain considered ordinary income under IRC sections 1245 or 1250.

Please note that a real property tax abatement benefit and various other financial incentives of a non-income/franchise tax nature are provided for QHTCs in the New E-Conomy Transformation Act of 2000.

Government of the District of Columbia
Office of Tax and Revenue

# QHTC-CERT 20___
## Certification for Qualified High Technology Company

Official Use:

Name of Business

FEIN or SSN

Taxable Year Ending

Real Property Eligible for Abatement

Square | Suffix | Lot

First year certified as a QHTC

I certify that this business is a Qualified High Technology Company and that it (check all that apply):

1. ☐ Is an individual or entity organized for profit;
2. ☐ Maintains an office, headquarters, or base of operations in the District of Columbia;
3. ☐ Has two or more employees in the District of Columbia;
4. ☐ Derives at least 51% of its gross revenues earned in the District from one or more of the following (check all that apply):
   a. ☐ Internet-related services and sales,
   b. ☐ Information and communication technologies, equipment and systems that involve advanced computer software and hardware, data processing, visualization technologies, or human interface technologies, whether deployed on the Internet or other electronic or digital media,
   c. ☐ Advanced materials and processing technologies that involve the development, modification, or improvement of one or more materials or methods to produce devices and structures with improved performance characteristics or special functional attributes, or to activate, speed up, or otherwise alter chemical, biochemical, or medical processes,
   d. ☐ Engineering, production, biotechnology and defense technologies that involve knowledge-based control systems and architectures; advanced fabrication and design processes, equipment and tools; or propulsion, navigation, guidance, nautical, aeronautical and astronautical ground and airborne systems, instruments and equipment, or
   e. ☐ Electronic and photonic devices and components for use in producing electronic, optoelectronic, mechanical equipment and products of electronic distribution with interactive media content.
5. ☐ Does not derive 51% or more of its gross revenue from the operation in DC of a retail store or an electronic equipment facility as defined in DC Code section 47-1817.01 (5)(B)(i)II; and
6. ☐ Is appropriately registered as a business in DC.
7. Please enter the principal business activity

Under penalty of law, I declare that I have examined this certificate and, to the best of my knowledge, it is correct.

Signature of Owner or Officer | Company Name | Date

Company Address | Telephone Number

Fax Number | e-mail address

# INSTRUCTIONS FOR FORM QHTC-CERT,
# CERTIFICATION FOR QUALIFIED HIGH TECHNOLOGY COMPANY

WHO MAY USE THE CERTIFICATION FORM?

Any business which qualifies and wishes to be certified as a Qualified High Technology Company.

## How should a company submit Form QHTC-CERT?

File the Form QHTC-CERT as an attachment to any of the DC tax returns shown below claiming tax benefits under the New E-Conomy Transformation Act of 2000.

Form D-20 – DC Corporate Franchise Tax Return
Form FP-31 – DC Personal Property Tax Return
Form D-65 – DC Partnership Return
Form D-40 – Individual Income Tax Return with Schedule C attached

## Instructions for completing Form QHTC-CERT

Enter the business name, the Federal Employer Identification Number (FEIN) or the Social Security Number (SSN), and the ending date of the taxable year. For businesses claiming an abatement of real property tax, fill in the square, suffix and lot numbers identifying the real property eligible for abatement. If claiming an abatement for more than one property, please attach a detailed listing. Also indicate the first year certified as a QHTC.

**Lines 1 through 6.** Place an X in each box that applies to your business.

The Form QHTC-CERT must be signed and dated by an Owner, General Partner or Officer of the business who is authorized to sign. Please provide the business' address, telephone, fax number and e-mail address.

**NOTE:** The boxes for lines 1, 2, 3, 4; and at least one box in line 4a through 4e; and lines 5 and 6 must be completed. If these boxes are not completed, the business is not a certified Qualified High Technology Company and is not entitled to any of the tax credits or other tax benefits of the New E-Conomy Transformation Act of 2000.

Government of the District of Columbia
Office of Tax and Revenue

# D-20CR 20____
## QHTC Corporate Business Tax Credits
(File With Form D-20)

OFFICIAL USE:

Tax Return Year Beginning____________, 20____ and ending________________, 20_____

BUSINESS NAME AS SHOWN ON TAX RETURN FORM D-20: ______________________________

FEDERAL EMPLOYER IDENTIFICATION NUMBER: ______________________________

Initial year of certification as QHTC

A. Cumulative QHTC Corporate Franchise Tax Credits (Total amount of QHTC Franchise Tax Credits from 12/31/2000 to date) ( If this is $15M or greater, use lines 2b and 4b in computing your credit) — Amounts = $

B. Number of TYBA* 12/31/2011 that you first had taxable income since you certified as a QHTC (If this is more than 5 years use lines 2b and 4b in computing your credit) — Years =

### PART A — REDUCTION IN DC CORPORATE FRANCHISE TAX FOR A QUALIFIED HIGH TECHNOLOGY COMPANY (QHTC)

1. Total District of Columbia Taxable income (line 36 of Form D-20)........ $

2a. Regular District Corporate Franchise Tax (multiply line 1 amt. by .09975.) See instructions $

2b. Reduced Tax - used after the earlier of five taxable years or $15 M limit is met (multiply line 1 amt. by .06000)........ $

3. Minimum Tax. (The minimum tax is $250 if DC Gross Receipts are $1M or less. If DC gross receipts are greater than 1 million, the minimum tax is $1,000. See instructions to D-20)........ $

4a. If you are entitled to a 0% tax rate complete this line. Amount of tax credit (if Line 3 is greater than line 2a, enter 0 here and on line 6. Otherwise your credit is 2a minus line 3 enter the result here and skip to line 5........ $

4b. If you are entitled to a 6% tax rate complete this line. Amount of tax credit (if Line 3 is greater than line 2b, enter 0 line 5. Otherwise your credit is .03975 times the amount on line 1 minus amount on line 3. Enter the result here and on line 6........ $

5. If line 4a is completed, add line 4a entry to Line A. above and enter here. If this amount is greater than $15M. See instructions........ $

6. Allowable Corporate Franchise tax Credit. See instructions........ $

### PART B — TAX CREDIT FOR THE COSTS OF RETRAINING QUALIFIED DISADVANTAGED EMPLOYEES DURING THE FIRST 18 MONTHS OF THEIR EMPLOYMENT

1. Number of employees eligible, first 12 months. [ ]

2. Total expenditures for retraining Qualified Disadvantaged Employees paid or incurred during this period. $

3. Amount of Retraining Costs Tax Credit........ $

(Limited to $20,000 per employee for retraining costs incurred during the first 18 months of employment beginning after December 31, 2000.)

### PART C — TAX CREDIT FOR 50% OF WAGES PAID TO QUALIFIED DISADVANTAGED EMPLOYEES DURING THE FIRST 24 MONTHS OF EMPLOYMENT

1. Employees eligible in First year [ ] 2. Months in First year [ ]

3. Total Wages paid during tax year 20__ to Qualified Disadvantaged Employees........ $

4 Tax credit (50% of line 3)........ $

The credit is 50% of qualified disadvantaged employee wages paid during the first 24 months of employment beginning after December 31, 2000, not to exceed $15,000 per employee per year.

### PART D — TAX CREDIT FOR RELOCATION COSTS

1. Number of eligible employees who reside in DC [ ]

2. Number of eligible employees who reside outside DC [ ]

3. Tax credit for employees residing in DC (limited $7,500 per employee, see instructions)........ $

4. Tax credit for employees residing outside DC (limited $5,000 per employee, see instructions)........ $

5. Total tax credit (add lines 3 and 4)........ $

## PART E – TAX CREDIT FOR 10% OF WAGES PAID TO QUALIFIED EMPLOYEES DURING THE FIRST 24 MONTHS OF EMPLOYMENT

1. Number of eligible employees [ ]
2. Total Wages paid during this period to Qualified Employees . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $
3. Tax credit – Line 2 x 0.10 (Limited to $5,000 per employee in the tax year.) . . . . . . . . . . . . . . . . . . . . $

## PART F – SUMMARY OF TAX BENEFITS FOR A CORPORATE QHTC

1. Regular DC Corporate Franchise Tax (Part A, Line 2a) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $
2. Tax Credit (Part A, Line 6) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $
3. Retraining Costs Tax Credit (Part B, Line 3) plus any carryover . . . . . . . . . . . . . . . $
4. Qualified Disadvantaged Employee Wages Tax Credit (Part C, Line 4 plus any carryover . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $
5. Relocation Costs Tax Credit (Part D, Line 5) plus any carryover . . . . . . . . . . . . . . . $
6. Qualified Employee Wages Tax Credit (Part E, Line 3) plus any carryover . . . . . . . . . $
7. Total Tax Credits (add Lines 2 through 6) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $
8. Net Tax (Line 1 minus Line 7) If Line 7 is greater than Line 1 enter zero . . . . . . . . . . . . . . . . . . . . . . . . $
9. Unused Business QHTC Tax Credit Carryover from this year to 20_____ (Line 7 minus line 1) (If Line 1 is greater than Line 7 enter 0) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $
10. Used Business QHTC Tax Credit (Line 7 minus Line 9) If Line 7 is greater than zero enter here and on Schedule UB, Line 2 . . . . . . . . . . . . . $

## PART G – ELECTION TO RECEIVE 50% REFUND FOR QHTC RETRAINING COSTS CREDIT

1. Amount of Unused Business QHTC Tax Credit Carryover to 20____ (Part F, Line 9) . . . . . . . . . . . . . . . $
2. Retraining Costs Tax Credit (Part B, Line 3) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $
3. Unused Business Tax Credit Carryover (Line 1 minus Line 2) . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $
4. Amount from Line 1 or Line 2, whichever is smaller . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . . $
5. Amount of Retraining Costs Tax Credit to be refunded (50% of Line 4) enter here and on Schedule UB, Line 9 . . . . . . . . . . . . . . . . . . . . . . . . $

# INSTRUCTIONS FOR FORM D-20CR

**Who may use Form D-20CR?**

A business which is a corporation, including a Limited Liability Company (LLC) which has elected to be treated as a corporation for Federal tax purposes and is certified as a QHTC may file a Form D-20CR to claim the applicable credits listed on Form D-20CR.

**Should the Certification of Gross Revenue Worksheet be submitted with the Form D-20CR?**

Yes, it must be submitted in the first year that the business is a QHTC for six or more months and in all subsequent years.

**Which forms are required to claim QHTC credits?**

A company must file a DC corporate franchise tax return (D-20) to claim the credits entered on the Form D-20CR. The Certification for Qualified High Technology Company, Form QHTC-CERT, must also be filed. (This is required even if the company has been previously certified as a QHTC.)

**PART A - Reduction in the tax rate for a QHTC**

This benefit reduces the corporate franchise tax rate for a QHTC to 0% for the first 5 years or 15 million in exemptions, whichever is earlier. Thereafter, the corporate franchise tax rate for a QHTC is 6%.

As a QHTC, your cumulative maximum credit for corporate franchise tax is limited to $15M. In order to preserve the QHTC tax credit carryover, a QHTC must file a DC corporate franchise tax return for each year in which the QHTC is not subject to the DC corporate franchise tax.

**Note:** The transfer of ownership of a QHTC does not affect eligibility under DC Code Section 47-1817.06.

**Claiming a Tax Credit Carryover**

When claiming a tax credit carryover on your return please attach a copy of your form D-20CR for the year(s) from which the carryover originated.

**Part B - Tax credit for the costs of retraining qualified disadvantaged employees during the first eighteen months of employment**

A QHTC may claim a credit on its Form D-20 for expenditures paid or incurred during the taxable year for retraining qualified disadvantaged employee(s). This credit may be carried forward for 10 years.

**Part C - Tax credit for 50% of the wages paid to qualified disadvantaged employees during the first twenty-four months of employment**

A QHTC is allowed a credit against its DC corporate franchise tax equal to 50% of the wages paid to each qualified disadvantaged employee during the first 24 calendar months of employment.

The credit claimed is limited to $15,000 a year for each qualified disadvantaged employee. It may be carried forward for 10 years.

**Part D - Tax credit for relocation costs**

A QHTC is allowed a credit (subject to a dollar limitation) against its DC corporate franchise tax for each dollar reimbursed to or paid on behalf of each qualified employee for relocation costs. The credit may not exceed:

- $5,000 for each employee who relocates his or her employment to DC from outside DC but does not relocate his or her principal residence to DC. The total annual credit for a QHTC may not exceed $250,000; and
- $7,500 for each employee who relocates his or her employment to DC from outside DC and also relocates his or her principal residence to DC. The total annual credit for a QHTC may not exceed $1,000,000. For purposes of this credit, the principal residence is determined as of the last day of the first six months of employment in DC by a QHTC. This credit may be carried forward for 10 years.

**Part E - Tax credit for wages paid to qualified employees during the first twenty-four months of employment**

A QHTC is allowed a credit against the DC corporate franchise tax equal to 10% of the wages paid during the first 24 calendar months to a qualified employee. The qualified employee must be hired after December 31, 2000 and employed in DC by the QHTC in the “permitted activities.” This credit may be carried forward for 10 years.

**Part F - Summary of tax benefits for a corporate QHTC**

This is a summary of tax reductions and credits claimed in Parts A through E. Copy the correct lines when completing Part F. Enter the amount from line 10 of Part F on Schedule UB, Line 2.

**Part G - Election to receive a refund for QHTC retraining costs**

Complete this section to receive a refund equal to 50% of the costs to retrain qualified disadvantaged employees. Enter this amount on Schedule UB, Line 9.

***Note:** "TYBA" means "tax year beginning after".

# WORKSHEET

## QUALIFIED HIGH TECHNOLOGY COMPANY
## Certification of Gross Revenue

(To be filed with Form D-20CR)

For Tax Year Beginning: ____________________, 20____ and Ending __________________________ 20____

Company Name: ________________________________________________________ FEIN: __________- _________________________

| Column 1 | Column 2 | | | | | Column 3 Gross Revenue Earned in DC from Permitted Activities (add column 2 A thru E) | Column 4 Gross Revenue Earned in DC from Non-Permitted Activities | Column 5 Total Gross Revenue Earned in DC from Permitted and Non-Permitted Activities (add cols. 3 & 4) |
|---|---|---|---|---|---|---|---|---|
| | Gross Revenue Earned in DC from Permitted Activities | | | | | | | |
| DC Address | A | B | C | D | E | | | |
| 1. | | | | | | | | |
| 2. | | | | | | | | |
| 3. | | | | | | | | |
| 4. | | | | | | | | |
| 5. | | | | | | | | |
| 6. | | | | | | | | |
| 7. | | | | | | | | |
| 8. | | | | | | | | |
| 9. | | | | | | | | |
| TOTAL | | | | | | | | |

**Permitted Activities - DC Code § 47-1817.01(5)(A)(iii)**
Column A – Internet related services and sales.
Column B – Information and communication technologies, equipment and systems.
Column C – Advance material and processing technologies.
Column D – Engineering, production, biotechnology and defense technologies.
Column E – Electronic and photonic devices and components.
***NOTE:*** Columns A through E must ***not*** include gross revenue from a retail store or an electronic equipment facility (Data Hotel).

## CERTIFICATION OF GROSS REVENUE WORKSHEET

File this worksheet with the Form D-20CR.

Title Line. Enter the beginning and ending dates of the tax year for which certification applies, the name of the business and the Federal Employer Identification Number.

Column 1. DC address or location of each business.

Column 2. For each business location, enter gross revenue earned in DC from each permitted activity listed.

Column 3. Enter the total for columns A through E for each business location.

Column 4. Enter the gross revenue earned in DC from the total of non-permitted activities for each location.

Column 5. Enter the total gross revenue (add columns 3 and 4) from permitted and non-permitted activities for each location.

Government of the District of Columbia
Office of Tax and Revenue

**FP-332**

# CLAIM FOR REFUND OF RETRAINING COSTS

**Qualified High Technology Company**

**20____**

Company Name and Address: ______________________________

______________________________

Federal Employer Identification Number or Social Security Number: ______________________

| | EMPLOYEE'S NAME | SOCIAL SECURITY NUMBER | DATE OF EMPLOYMENT | NUMBER OF MONTHS EMPLOYED | COLUMN A<br>RETRAINING COSTS | COLUMN B<br>MAXIMUM AMOUNT ALLOWABLE | COLUMN C<br>AMOUNT IN COL. A OR COL. B, WHICH-EVER IS LESS | COLUMN D<br>AMOUNT CLAIMED IN PRIOR YEAR | COLUMN E<br>RETRAINING COSTS AVAILABLE FOR CREDIT IN CURRENT YEAR (COL. C MINUS COL. D) |
|---|---|---|---|---|---|---|---|---|---|
| 1. | ________ | ___-__-____ | ________ | ______ | $ ________ | $20,000. | $ ________ | $ ________ | $ ________ |
| 2. | ________ | ___-__-____ | ________ | ______ | $ ________ | $20,000. | $ ________ | $ ________ | $ ________ |
| 3. | ________ | ___-__-____ | ________ | ______ | $ ________ | $20,000. | $ ________ | $ ________ | $ ________ |
| 4. | ________ | ___-__-____ | ________ | ______ | $ ________ | $20,000. | $ ________ | $ ________ | $ ________ |
| 5 | ________ | ___-__-____ | ________ | ______ | $ ________ | $20,000. | $ ________ | $ ________ | $ ________ |
| 6. | ________ | ___-__-____ | ________ | ______ | $ ________ | $20,000. | $ ________ | $ ________ | $ ________ |
| 7. | ________ | ___-__-____ | ________ | ______ | $ ________ | $20,000. | $ ________ | $ ________ | $ ________ |
| 8. | ________ | ___-__-____ | ________ | ______ | $ ________ | $20,000. | $ ________ | $ ________ | $ ________ |
| 9. | ________ | ___-__-____ | ________ | ______ | $ ________ | $20,000. | $ ________ | $ ________ | $ ________ |
| 10. | ________ | ___-__-____ | ________ | ______ | $ ________ | $20,000. | $ ________ | $ ________ | $ ________ |
| 11. | ________ | ___-__-____ | ________ | ______ | $ ________ | $20,000. | $ ________ | $ ________ | $ ________ |
| 12. | TOTALS | | | | $ ________ | | $ ________ | $ ________ | |

13. CURRENT YEAR RETRAINING COSTS AVAILABLE FOR TAX CREDIT . . . . . . . . . . . . . . . . . . . . . $ ________

14. AMOUNT OF REFUNDABLE RETRAINING COSTS TAX CREDIT (50% OF LINE 13) . . . . . . . . . . . . . . . . $ ________

Under penalty of perjury, I declare that I have examined this claim and, to the best of my knowledge, it is correct.

| | | |
|---|---|---|
| ______________________ | ______________________ | ______________________ |
| Signature of Owner or Officer | Company Name | Date |
| ______________________ | ______________________ | ______________________ |
| Company's Address | Telephone Number | E-Mail Address |

# INSTRUCTIONS FOR FORM FP-332

Enter the beginning and ending dates of the tax year, the company name and the Federal Employer Identification Number or the Social Security Number.

WHO MAY USE THE FORM FP-332?

A business which is a corporation and which is a certified Qualified High Technology Company may claim a partial refund of the retraining costs tax credit.

You are a Qualified High Technology Company if:

(a) You are an individual or entity organized for profit;
(b) You maintain an office, headquarters, or base of operations in DC;
(c) You have 2 or more employees in DC;
(d) At least 51% of your gross revenue earned in the District of Columbia is derived from one or more of the permitted activities listed in Publication FR-399, Qualified High Technology Companies;
(e) You do not receive 51% or more of gross revenue from operating a retail store or electronic equipment facility in DC;
(f) You are registered as a business in DC; and
(g) You are current in all District Government filing requirements and payment obligations.

HOW AND WHEN TO FILE

To claim the retraining costs tax credit, a Qualified High Technology Company that is a corporation must attach the following to the Form D-20: Form QHTC-CERT, Certification for Qualified High Technology Company; Form D-20CR, QHTC Corporated Business Tax Credits; Schedule UB; and Form FP-332, Claim for Refund of Retraining Costs. Fill in the QHTC oval on the Form D-20.

# QUALIFIED HIGH TECHNOLOGY COMPANY RETRAINING COSTS FOR QUALIFIED DISADVANTAGED EMPLOYEES

## TAX CREDIT WORKSHEET

| | Employee 1 | Employee 2 | Employee 3 | Employee 4 | Employee 5 | Employee 6 | Employee 7 |
|---|---|---|---|---|---|---|---|
| 1. Employee's Name | | | | | | | |
| 2. Employee's Social Security Number | | | | | | | |
| 3. Date employed in District | | | | | | | |
| 4. Training Expense (Note 1) | | | | | | | |
| 5. Prior Year Credit (Note 2) | | | | | | | |
| 6. Current Year Credit (Subtract line 5 from line 4) | | | | | | | |

Note 1 – Total eligible retraining costs, not to exceed $20,000, paid or incurred by a QHTC to retrain this Qualified Disadvantaged Employee in his or her first 18 months of employment in DC.

Note 2 – Qualified Disadvantaged Employee's Retraining Costs Tax Credit claimed for this employee in the prior year.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF TAX AND REVENUE

OFFICIAL USE

**FP-331**
**Year 20_____**

# CLAIM FOR REFUND

SALES AND USE TAX

NAME OF TAXPAYER

TRADE NAME

○ FEDERAL EMPLOYER IDENTIFICATION NO. ○ SSN

STREET ADDRESS

CITY STATE ZIP CODE PHONE # FAX #

**NOTE: FOR TAX PAID ON MORE THAN ONE RETURN, LIST EACH ON A SEPARATE LINE**

| PERIOD ENDED | TOTAL TAX PAID | DATE OF PAYMENT | AMOUNT OF REFUND CLAIMED | EXPLANATION OF OVERPAYMENT |
|---|---|---|---|---|
| | | | | |
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| | | | | |
| | $ | ←**TOTAL**→ | $ | (FOR ADDITIONAL SPACE, USE OTHER SIDE) |

Under penalties of law the duly authorized applicant(s) do solemnly swear or affirm that the foregoing statements are correct to the best of my (our) knowledge.

| AUTHORIZED SIGNATURE | TITLE | DATE |
|---|---|---|
| | | |

| OFFICIAL USE | | | |
|---|---|---|---|
| | INITIAL | DATE | AMOUNT |
| APPROVED | | | |
| DENIED | | | |

## FP-331 Instructions

### Sales and Use Tax

Section 47-2020(a) of the DC Sales Tax Act allows a refund of tax erroneously or illegally collected if a claim is filed within **three years** from the date you paid the tax. If the tax has been collected from the customer, it must be refunded by the seller to the customer in cash or credit before the vendor can apply for a refund. If the claim relates to a Qualified High Technology Company (QHTC) attach the certification Form QHTC-CERT. Send the original to the Office of Tax and Revenue and save a copy.

Attach your evidence to support the claim for refund. Include copies of original invoices, Certificates of Resale (OTR-368), Qualified High Technology Company Exempt Purchase Certificates (FP-337), tax exemption numbers of semipublic institutions, credit memos for returned sales or taxes refunded to customers and any other related documents.

Mail the claim to:

Office of Tax and Revenue
Audit Division
PO Box 556
Washington, DC 20044-0556

Questions? Call us at (202) 727-4829.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF TAX AND REVENUE

**FP-337**

**YEAR 20____**

# QUALIFIED HIGH TECHNOLOGY COMPANY—EXEMPT PURCHASE CERTIFICATE
# DISTRICT OF COLUMBIA SALES AND USE TAX

| | |
|---|---|
| VENDOR | PURCHASER |
| VENDOR'S STREET ADDRESS | TRADE NAME (IF ANY) |
| CITY STATE ZIP CODE | PURCHASER'S STREET ADDRESS |
| **NOTE:** SELLER MUST KEEP THIS CERTIFICATE TO SUBSTANTIATE EXEMPT STATUS | CITY STATE ZIP CODE |
| | FEIN/SSN |
| FEIN | DC SALES AND USE TAX ACCOUNT ID NUMBER |

## TYPES OF EXEMPTION

Sales to a Qualified High Technology Company of computer software or hardware, and visualization and human interface technology equipment, including operating and applications software, computers, terminals, display devices, printers, cable, fiber, storage media, networking hardware, peripherals and modems are exempt from sales and use tax when purchased for use in connection with the operation of the Qualified High Technology Company.

I certify that all items of the above mentioned property purchased from you are for use in connection with the operation of a Qualified High Technology Company as defined in DC Code §47-1817.01(5)(A).

This certificate shall be considered a part of each order we shall give, provided the order contains our District of Columbia Sales and Use Tax Account ID Number. It will continue in force until revoked by our written notice to you.

| AUTHORIZED SIGNATURE | TITLE | DATE |
|---|---|---|
| | | |

## INSTRUCTIONS

To use this certificate the purchaser (issuer) must be registered (Form FR-500) with DC for sales and use tax. This certificate is not valid unless it contains the purchaser's FEIN/SSN and DC Sales and Use Tax Account ID Number. Also, it must be dated and signed by the purchaser's owner or authorized officer.

If the purchaser buys items from the seller that do not qualify for tax exemption, the purchaser should advise the seller to charge the appropriate sales tax on such items. Otherwise, the purchaser is required to report and pay any use tax owed directly to the Office of Tax and Revenue using the appropriate Sales and Use Tax return, FR-800A (annual), FR-800M (monthly) or FR-800Q (quarterly).

The seller must retain all QHTC Exempt Purchase Certificates to substantiate tax exemptions in case of an audit of its DC Sales and Use Tax returns.

**OTR-368**

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF TAX AND REVENUE

# CERTIFICATE OF RESALE
# DISTRICT OF COLUMBIA SALES AND USE TAX

| TO: | FROM: |
|---|---|
| SELLER | PURCHASER |
| TRADE NAME (IF ANY) | TRADE NAME (IF ANY) |
| SELLER'S STREET ADDRESS | PURCHASER'S STREET ADDRESS |
| CITY STATE ZIP CODE | CITY STATE ZIP CODE |
| FEIN | FEIN/SSN |
| | DC SALES AND USE TAX ACCOUNT ID NUMBER |

I certify that all of the tangible personal property and services purchased from you in connection with this sale are for resale or rental either in the same form or for incorporation as a material part of other property being produced for resale or rental.

This certificate shall be considered a part of each order we shall give, provided the order contains our DC Sales and Use Tax Account ID Number and will continue in force until revoked by written notice to you.

| AUTHORIZED SIGNATURE | TITLE | DATE |
|---|---|---|
| | | |

**SELLER MUST KEEP THIS CERTIFICATE**

## INSTRUCTIONS

This certificate is not valid unless it contains the purchaser's District of Columbia Sales and Use Tax Account ID Number. It must be signed by the owner or authorized officer and must be dated.

If you, as the issuer of the certificate of resale, buy items from the seller that do not qualify for tax exemption, you should advise the seller to charge the appropriate sales tax on such items. Otherwise, the purchaser is required to report to OTR and pay use tax directly using the Sales and Use Tax returns (FR-800A (annual), FR-800M (monthly) or FR-800Q (quarterly).

The seller must retain all Certificates of Resale on file to substantiate exemptions in case of an audit of its DC Sales and Use Tax returns.

To be eligible to use this certificate, purchasers who are located inside or outside the District of Columbia must file DC Form FR-500, Combined Business Tax Registration Application, with the Office of Tax and Revenue, 1101 4th St., SW, Washington DC 20024 (202-727-4829).

# Qualified High Technology Companies
# Qualifying Tangible Personal Property
# Refunds and Exemptions

**Refund of Personal Property Tax Paid on Qualifying Tangible Personal Property Acquired after December 31, 2000.**

A certified DC Qualified High Technology Company (QHTC) which paid DC personal property tax on qualifying tangible personal property acquired after December 31, 2000, may claim a refund of the tax paid by filing an amended Form FP-31, personal property tax return.

The qualifying tangible personal property purchased by a certified DC QHTC used or held for use in its trade or business must be reported in Schedule D-3 (included in this publication) and filed with Form FP-31.

**Exemption from DC Personal Property Tax of Qualifying Tangible Personal Property Acquired after December 31, 2000**

Qualifying tangible personal property purchased and used or held for use in a certified DC QHTC's business may be claimed as exempt from the DC personal property tax. The property must be reported in a Schedule D-3 filed with Form FP-31. A completed Schedule D-3 and a completed DC Form QHTC-CERT must be filed with Form FP-31.

**Schedule D-3 of Form FP-31**

A certified DC QHTC claiming exemption for qualifying tangible personal property which it purchased after December 31, 2000, or which is in its possession pursuant to a lease – purchase or security – purchase agreement (a capital lease – under which it is required to become the owner of the property) must report the property in a Schedule D-3 filed with Form FP-31.

All such property acquired or leased under a lease-purchase or security-purchase agreement prior to January 1, 2001, is not tax exempt. The property must be reported in Schedule A of Form FP-31.

**Schedule D-4 of Form FP-31**

A non QHTC which, after December 31, 2000, rents or leases qualifying tangible personal property to a certified DC QHTC under a lease-purchase or security-purchase agreement must report the property in a Schedule D-4 (included in this publication) filed with Form FP-31.

**Note:** A non QHTC lessor of such property acquired prior to January 1, 2001, under a similar lease arrangement must report the property in Schedule D-2 of Form FP-31.

**Schedule A of Form FP-31**

Qualifying tangible personal property leased by a non QHTC under an operating lease (no ownership implication for the lessee) to either a certified QHTC or a non QHTC is subject to the personal property tax. The property tax must be reported in Schedule A of Form FP-31.

**Filing an Amended Personal Property Tax Return**

Check the amended return box on the Form FP-31 filed for the year you are amending.

When filing a personal property tax return, please attach the following to the return:

- **a completed DC Form QHTC-CERT;**
- **proof of payment of the personal property tax liability for the year being amended;**
- **a copy of the lease agreement, if relevant; and**
- **a copy of any purchase invoice(s).**

# Form FP-31 Personal Property
# Schedules D-3 and D-4

**SCHEDULE D-3—QUALIFYING TANGIBLE PERSONAL PROPERTY PURCHASED BY A CERTIFIED QHTC AND USED OR HELD FOR USE BY THE QHTC (OR LEASED UNDER A CAPITAL LEASE) TO A CERTIFIED QHTC.**

| PROPERTY TYPE | PURCHASE DATE | QHTC CERTIFICATION DATE | ORIGINAL COST | REMAINING COST | LESSOR'S NAME AND ADDRESS | MONTHLY RENT | DATE LEASE BEGAN |
|---|---|---|---|---|---|---|---|
| | | | $ | $ | | $ | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | TOTAL: $ | TOTAL: $ | | | |

**SCHEDULE D-4—QUALIFYING TANGIBLE PERSONAL PROPERTY PURCHASED BY A NON QHTC AND LEASED TO A CERTIFIED QHTC UNDER A CAPITAL LEASE.**

| PROPERTY TYPE | PURCHASE DATE | LESSEE'S CERTIFICATION DATE | ORIGINAL COST | REMAINING COST | LESSOR'S NAME AND ADDRESS | MONTHLY RENT | DATE LEASE BEGAN |
|---|---|---|---|---|---|---|---|
| | | | $ | $ | | $ | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | TOTAL: $ | TOTAL: $ | | | |

## QHTC High Technology Permitted Activities are:

1. Internet-related services and sales:

    (a) Website design, maintenance, hosting, or operation;
    (b) Internet-related training, consulting, advertising, or promotion services;
    (c) The development, rental, lease, or sale of Internet-related applications, connectivity, or digital content; or
    (d) Products and services that may be considered e-commerce;

2. Information and communication technologies, equipment and systems that involve advanced computer software and hardware, data processing, visualization technologies, or human interface technologies, whether deployed on the Internet or other electronic or digital media. Such technologies, whether deployed on the Internet or other electronic or digital media, shall include:

    (a) Operating and application software;
    (b) Internet-related services, including design, strategic planning, deployment, and management services and artificial intelligence;
    (c) Computer modeling and simulation;
    (d) High-level software languages;
    (e) Neural networks;
    (f) Processor architecture;
    (g) Animation and full-motion video;
    (h) Graphics hardware and software;
    (i) Speech and optical character recognition;
    (j) High volume information storage and retrieval;
    (k) Data compression; and
    (l) Multiplexing, digital signal processing and spectrum technologies.

3. Advanced materials and processing technologies that involve the development, modification, or improvement of one or more materials or methods to produce devices and structures with improved performance characteristics or special functional attributes, or to activate, speed up, or otherwise alter chemical, biochemical, or medical processes. Such materials and technologies shall include:

    (a) Metal alloys;
    (b) Metal matrix and ceramic composites;
    (c) Advanced polymers;
    (d) Thin films;
    (e) Membranes;
    (f) Superconductors;
    (g) Electronic and photonic reduction;
    (h) Pharmaceuticals; bioactive materials; bioprocessing; genetic engineering; catalysts; waste emissions reduction; and
    (i) Waste processing technologies.

4. Engineering, production, biotechnology and defense technologies that involve knowledge-based control systems and architectures; advanced fabrication and design processes, equipment, and tools; propulsion, navigation, guidance, nautical, aeronautical and astronautical ground and airborne systems, instruments, and equipment. Such technologies include:

   (a) Computer-aided design and engineering;
   (b) Computer-integrated manufacturing;
   (c) Robotics and automated equipment;
   (d) Integrated circuit fabrication and test equipment;
   (e) Sensors;
   (f) Biosensors;
   (g) Signal and image processing;
   (h) Medical and scientific instruments;
   (i) Precision machining and forming;
   (j) Biological and genetic research equipment;
   (k) Environmental analysis, remediation, control and prevention equipment;
   (l) Defense command and control equipment;
   (m) Avionics and controls;
   (n) Guided missile and space vehicle propulsion units;
   (o) Military aircraft; space vehicles; and
   (p) Surveillance, tracking and defense warning systems.

5. Electronic and photonic devices and components for use in producing electronic, optoelectronic, mechanical equipment and products of electronic distribution with interactive media content. Such technologies include:

   (a) Microprocessors;
   (b) Logic chips;
   (c) Memory chips;
   (d) Lasers;
   (e) Printed circuit board technology;
   (f) Electroluminescent, liquid crystal, plasma and vacuum fluorescent displays;
   (g) Optical fibers;
   (h) Magnetic and optical information storage;
   (i) Optical instruments, lenses, filters;
   (j) Simplex and duplex data bases; and
   (k) Solar cells.