2009 Session

# Budget Bill - SB850 (Introduced)



## Item 3-5.05

§ 3-5.05 NEIGHBORHOOD ASSISTANCE PROGRAM AND SCHOOLS FOR CHILDREN WITH DISABILITIES FUND TAX CREDIT

A. Notwithstanding any other provisions of law and effective July 1, 2007, (1) the annual fiscal year cap for tax credits allowed under the Neighborhood Assistance Act shall be increased from $8 million to $12 million, (2) $1 million of the increase shall be allocated for education programs and $3 million for providing grants to private schools for students with disabilities, (3) the tax credit percentage for donations made by corporations and individuals is reduced from 45 percent to 40 percent, and (4) the restriction placed upon individuals from claiming a tax credit for the donation if a charitable contribution deduction credit is also taken is removed.

The Department of Education shall administer the Schools for Students with Disabilities Fund from which grants will be made to private schools for students with disabilities for the purpose of reducing the tuition costs to attend such Schools. The Fund would be funded from monetary donations for which the Department would allocate the annual $3 million in tax credits. The Board of Education shall establish guidelines for the grants program, including guidelines for procedures to allocate the $3 million in tax credits in fiscal years in which more than $3 million in monetary donations were made to the Fund.

In addition, the $50,000 taxable year limitation on individual tax credits under the Neighborhood Assistance Act pursuant to § 63.2-2006 of the Code of Virginia shall not apply in any taxable year beginning in the relevant fiscal year of the Commonwealth if, after an equitable allocation of tax credits under the Act of such relevant fiscal year, the total amount of tax credits granted for all programs approved under the Act (including tax credits for monetary donations to the Schools for Students with Disabilities fund ) for such fiscal year was less than $12 million.

B. Notwithstanding the provisions of paragraph A, any business firm that has pledged in writing on or before January 1, 2006, to a neighborhood organization to make a donation to such organization shall be eligible to receive a tax credit equal to 45% of the value of any qualifying donation that is covered under such writing, provided that the donation is made on or before January 1, 2013 and does not exceed the annual caps established in paragraph A. Nothing in this paragraph shall be interpreted or construed as affecting any other provision of the Neighborhood Assistance Act (§ 63.2-2000 et seq. of the Code of Virginia). For purposes of this paragraph, the terms “business firm” and “neighborhood organization” shall mean the same as those terms are defined in § 63.2-2000 of the Code of Virginia.

C. For purposes of this section, the term "individual" means the same as that term is defined in § 58.1-302, but excluding any individual included in the definition of a "business firm" as such term is defined in § 63.2-2000.