



Ohio Administrative Code

Rule 122:24-1-06 Issuances of small business investment certificates.

Effective: December 27, 2018

(A) Once the director has determined that the qualifying investment meets the requirements of section 122.86 of the Revised Code and rule 122:24-1-05 of the Administrative Code, completes the review of the application, and following the end of the holding period, the small business investment certificate shall be issued to the eligible investor. Tax credits will only be available to the investor or identified owners of pass-through entities and only in proportion to their ownership interests. Each member or partner on the list required by paragraph (C) of rule 122:24-1-05 of the Administrative Code shall receive a small business investment certificate for their proportionate share of the qualifying investment; however owners that are not identified will be ineligible for a tax credit. No entity or person shall be entitled to claim more tax credit than is allowed under division (C)(1) of section 122.86 of the Revised Code. Small business investment certificates are not transferrable.

(B) To the extent that an eligible investor makes an investment of money that is different than the amount supplied in the transaction application, the director shall only issue a small business investment certificate equal to ten percent of the lesser of the following:

(1) The actual amount of the investment made to the extent it is less than the amount stated in the transaction application; or

(2) The amount supplied in the transaction application to the extent that the investment in cash exceeds that amount; or

(3) The maximum amount permitted by division (C)(1) of section 122.86 of the Revised Code.

(C) In the event the director determines not all of the submitted expenditures are eligible, the director shall issue a partial small business investment certificate in the amount equal to ten percent of the total eligible expenditures.



(D) The director shall issue a partial small business investment certificate to an eligible investor that has completed a qualifying investment that is accompanied by allowed expenditures if the amount of the tax credit requested cannot be fulfilled due to the limitation set forth in division (C)(3) of section 122.86 of the Revised Code.

(E) When the total amount of intended qualifying investments indicated on transaction applications reaches the amount that would generate the maximum allocated tax credits in any fiscal biennium, the director may not issue any additional small business investment certificates for that fiscal biennium.

(F) The tax credit shall be claimed in accordance with section 5747.81 of the Revised Code.

(G) The eligible investor shall submit the small business investment certificate with the first eligible investor's annual return due to be filed under section 5747.08 of the Revised Code after the expiration of the holding period. The eligible investor may claim the tax credit listed on the small business investment certificate in the priority order prescribed by section 5747.98 of the Revised Code. Each year, any credit amount in excess of the tax due for that year under section 122.86 of the Revised Code, after allowing for all other credits with greater priority than the investOhio tax credit, may be carried forward consistent with section 5747.81 of the Revised Code.