

Empowerment Zone and Renewal Community Employment Credit

Department of the Treasury
Internal Revenue Service

▶ **Attach to your tax return.**

Name(s) shown on return

Identifying number

Part I Current Year Credit

1 Enter the total qualified wages paid or incurred during calendar year 2004 only (see instructions)			
a Qualified empowerment zone wages \$..... X 20% (.20)		1a	
b Qualified renewal community wages \$..... X 15% (.15)		1b	
2 Add lines 1a and 1b. You must subtract this amount from your deduction for salaries and wages		2	
3 Form 8844 credits from pass-through entities:			
If you are a—	Then enter the total of the current year credits from—		
a Shareholder	Schedule K-1 (Form 1120S), box 13, code G, H, or M	3	
b Partner	Schedule K-1 (Form 1065), box 15, code G, H, or M		
c Beneficiary	Schedule K-1 (Form 1041), line 14		
d Patron	Written statement from cooperative		
4 Add lines 2 and 3		4	
5 Empowerment zone and renewal community employment credit included on line 4 from passive activities (see instructions)		5	
6 Subtract line 5 from line 4		6	
7 Passive activity credit allowed for 2004 (see instructions)		7	
8 Carryforward of empowerment zone and renewal community employment credit to 2004		8	
9 Carryback of empowerment zone and renewal community employment credit from 2005 (see instructions)		9	
10 Current year credit. Add lines 6 through 9. (S corporations, partnerships, estates, trusts, and cooperatives, see instructions.)		10	

Part II Allowable Credit

11 Regular tax before credits:			
• Individuals. Enter the amount from Form 1040, line 43	}	11	
• Corporations. Enter the amount from Form 1120, Schedule J, line 3; Form 1120-A, Part I, line 1; or the applicable line of your return			
• Estates and trusts. Enter the sum of the amounts from Form 1041, Schedule G, lines 1a and 1b, or the amount from the applicable line of your return			
12 Alternative minimum tax:			
• Individuals. Enter the amount from Form 6251, line 35	}	12	
• Corporations. Enter the amount from Form 4626, line 14			
• Estates and trusts. Enter the amount from Form 1041, Schedule I, line 56			
13 Add lines 11 and 12		13	
14a Foreign tax credit	14a	14f	
b Credits from Form 1040, lines 47 through 53	14b		
c Possessions tax credit (Form 5735, line 17 or 27)	14c		
d Credit for fuel from a nonconventional source	14d		
e Qualified electric vehicle credit (Form 8834, line 20)	14e		
f Add lines 14a through 14e			
15 Net income tax. Subtract line 14f from line 13. If zero, skip lines 16 through 22 and enter -0- on line 23		15	
16 Net regular tax. Subtract line 14f from line 11. If zero or less, enter -0-	16	19	
17 Tentative minimum tax (see instructions)	17		
18 Enter 25% (.25) of the excess, if any, of line 16 over \$25,000 (see instructions)	18		
19 Multiply line 17 by 75% (.75)	19		
20 Enter the greater of line 18 or line 19		20	
21 Subtract line 20 from line 15. If zero or less, enter -0-		21	
22 General business credit (see instructions)		22	
23 Subtract line 22 from line 21		23	
24 Credit allowed for the current year. Enter the smaller of line 10 or line 23 here and on Form 1040, line 54; Form 1120, Schedule J, line 6d; Form 1120-A, Part I, line 2; Form 1041, Schedule G, line 2c; or the applicable line of your return. If line 23 is smaller than line 10, see instructions		24	

General Instructions

Section references are to the Internal Revenue Code.

Purpose of Form

Use Form 8844 to claim the empowerment zone and renewal community employment (EZRCE) credit. For tax years that include December 31, 2004, the credit is:

- 20% of the employer's qualified wages (up to \$15,000) paid or incurred during calendar year 2004 on behalf of qualified empowerment zone employees plus
 - 15% of the employer's qualified wages (up to \$10,000) paid or incurred during calendar year 2004 on behalf of qualified renewal community employees.
- Although the credit is a component of the general business credit, a special tax liability limit applies. The allowable credit, therefore, is figured on Form 8844 and is not carried to Form 3800, General Business Credit.

Empowerment Zones

Urban areas. Parts of the following urban areas are empowerment zones. You can find out if your business or an employee's residence is located within an urban empowerment zone by using the RC/EZ/EC Address Locator at www.hud.gov/crlocator or by calling 1-800-998-9999.

- Pulaski County, AR
- Tucson, AZ
- Fresno, CA
- Los Angeles, CA (city and county)
- Santa Ana, CA
- New Haven, CT
- Jacksonville, FL
- Miami/Dade County, FL
- Chicago, IL
- Gary/Hammond/East Chicago, IN
- Boston, MA
- Baltimore, MD
- Detroit, MI
- Minneapolis, MN
- St. Louis, MO/East St. Louis, IL
- Cumberland County, NJ
- New York, NY
- Syracuse, NY
- Yonkers, NY
- Cincinnati, OH
- Cleveland, OH
- Columbus, OH
- Oklahoma City, OK

- Philadelphia, PA/Camden, NJ
- Columbia/Sumter, SC
- Knoxville, TN
- El Paso, TX
- San Antonio, TX
- Norfolk/Portsmouth, VA
- Huntington, WV/Ironton, OH

Washington, DC. Under section 1400, parts of Washington, DC, are treated as an empowerment zone. For details, use the RC/EZ/EC Address Locator at www.hud.gov/crlocator or see Notice 98-57, on page 9 of Internal Revenue Bulletin 1998-47 at www.irs.gov/pub/irs-irbs/irb98-47.pdf.

Rural areas. Parts of the following rural areas are empowerment zones. You can find out if your business or an employee's residence is located within a rural empowerment zone by using the RC/EZ/EC Address Locator at www.hud.gov/crlocator or by calling 1-800-645-4712.

- Desert Communities, CA (part of Riverside County)
- Southwest Georgia United, GA (part of Crisp County and all of Dooly County)
- Southernmost Illinois Delta, IL (parts of Alexander and Johnson Counties and all of Pulaski County)
- Kentucky Highlands, KY (part of Wayne County and all of Clinton and Jackson Counties)
- Aroostook County, ME (part of Aroostook County)
- Mid-Delta, MS (parts of Bolivar, Holmes, Humphreys, Leflore, Sunflower, and Washington Counties)
- Griggs-Steele, ND (part of Griggs County and all of Steele County)
- Oglala Sioux Tribe, SD (parts of Jackson and Bennett Counties and all of Shannon County)
- Middle Rio Grande FUTURO Communities, TX (parts of Dimmit, Maverick, Uvalde, and Zavala Counties)
- Rio Grande Valley, TX (parts of Cameron, Hidalgo, Starr, and Willacy Counties)

Qualified empowerment zone employee. A qualified empowerment zone employee is any employee (full-time or part-time) of the employer who:

- Performs substantially all of the services for that employer within an empowerment zone in the employer's trade or business and

- Has his or her principal residence within that empowerment zone while performing those services (employees who work in the Washington, DC empowerment zone may live anywhere in the District of Columbia).

See *Qualified Employees* on page 3 for a list of persons who are not qualified employees.

Renewal Communities

Parts of the following areas are renewal communities. You can find out if your business or an employee's residence is located within a renewal community by using the RC/EZ/EC Address Locator at www.hud.gov/crlocator or by calling 1-800-998-9999.

- Greene-Sumter County, AL
- Mobile County, AL
- Southern Alabama
- Los Angeles, CA
- Orange Cove, CA
- Parlier, CA
- San Diego, CA
- San Francisco, CA
- Atlanta, GA
- Chicago, IL
- Eastern Kentucky
- Central Louisiana
- New Orleans, LA
- Northern Louisiana
- Ouachita Parish, LA
- Lawrence, MA
- Lowell, MA
- Detroit, MI
- Flint, MI
- West Central Mississippi
- Turtle Mountain Band of Chippewa, ND
- Camden, NJ
- Newark, NJ
- Buffalo-Lackawanna, NY
- Jamestown, NY
- Niagara Falls, NY
- Rochester, NY
- Schenectady, NY
- Hamilton, OH
- Youngstown, OH
- Philadelphia, PA
- Charleston, SC
- Chattanooga, TN
- Memphis, TN
- Corpus Christi, TX
- El Paso County, TX
- Burlington, VT
- Tacoma, WA
- Yakima, WA
- Milwaukee, WI

Qualified renewal community

employee. A qualified renewal community employee is any employee (full-time or part-time) of the employer who:

- Performs substantially all of the services for that employer within a renewal community in the employer's trade or business and
- Has his or her principal residence within that renewal community while performing those services.

See *Qualified Employees* below for a list of persons who are not qualified employees.

Qualified Employees

Any person may be a qualified employee **except** the following.

- Any relative of the employer described in sections 152(a)(1) through 152(a)(8).
- A dependent of the employer described in section 152(a)(9).
- If the employer is a corporation, any individual who bears any of the relationships described in sections 152(a)(1) through 152(a)(8), or is a dependent described in section 152(a)(9), of an individual who owns (or is considered to own under section 267(c)) more than 50% in value of the outstanding stock of the corporation.
- If the employer is an entity other than a corporation, any individual who owns directly or indirectly more than 50% of the capital and profits interest, including constructive ownership, in the entity.
- If the employer is an estate or trust, any individual who is a grantor, beneficiary, or fiduciary of the estate or trust (or a dependent, as described in section 152(a)(9), of such an individual), or any individual who is a relative, as described in sections 152(a)(1) through 152(a)(8), of the grantor, beneficiary, or fiduciary of the estate or trust.
- Any person who owns (or is considered to own under section 318) more than 5% of the outstanding or voting stock of the employer, or if not a corporate employer, more than 5% of the capital or profits interest in the employer.
- Any individual employed by the employer for less than 90 days. For exceptions, see *Early termination of employee* below.
- Any individual employed by the employer at any private or commercial golf course, country club, massage parlor, hot tub facility, suntan facility, racetrack or other facility used for gambling, or any store the principal business of which is the sale of alcoholic beverages for consumption off premises.

- Any individual employed by the employer in a trade or business for which the principal activity is farming (see *Note* below), but only if at the close of the tax year the sum of the following amounts exceeds \$500,000.

1. The larger of the unadjusted bases or fair market value of the farm assets owned by the employer.

2. The value of the farm assets leased by the employer.

Note. Certain farming activities described in section 2032A(e)(5)(A) or (B).

Early termination of employee.

Generally, an individual is not a qualified zone employee unless employed for at least 90 days. The 90-day requirement does not apply in the following situations.

- The employee is terminated because of misconduct as determined under the applicable state unemployment compensation law.
 - The employee becomes disabled before the 90th day. However, if the disability ends before the 90th day, the employer must offer to reemploy the former employee.
- An employee is not treated as terminated if the corporate employer is acquired by another corporation under section 381(a) and the employee continues to be employed by the acquiring corporation. Nor is a mere change in the form of conducting the trade or business treated as a termination if the employee continues to be employed in such trade or business and the taxpayer retains a substantial interest therein.

Wages

Wages are defined in section 51(c) and generally are wages (excluding tips) subject to the Federal Unemployment Tax Act (FUTA), without regard to the FUTA dollar limitation. The following are also treated as wages.

- Amounts paid or incurred by the employer as educational assistance payments excludable from the employee's gross income under section 127. However, this does not apply if the employee has a relationship to the employer described in section 267(b) or 707(b)(1) (substituting "10 percent" for "50 percent" in those sections) or the employer and employee are engaged in trades or businesses under common control (within the meaning of sections 52(a) and (b)).
- Amounts paid or incurred by the employer on behalf of an employee under age 19 for a youth training program operated by that employer in conjunction with local education officials.

Specific Instructions

Complete lines 1 and 2 to figure the current year credit for your trade or business. Skip lines 1 and 2 if you are only claiming a credit that was allocated to you from a pass-through entity.

Line 1a—Qualified Empowerment Zone Wages

Enter the total qualified empowerment zone wages paid or incurred during calendar year 2004. The credit must be figured using only the wages that you paid or incurred in the calendar year that ended with or within your tax year. For example, if your tax year began on April 1, 2004, and ended on March 31, 2005, you must figure wages based on the calendar year that began on January 1, 2004, and ended on December 31, 2004. Wages paid after the end of the calendar year may be used only to figure the credit claimed on the following year's tax return.

Qualified empowerment zone wages are qualified wages paid or incurred by an employer for services performed by an employee while the employee is a qualified empowerment zone employee (defined earlier). The maximum wages that may be taken into account for each employee is limited to \$15,000. The \$15,000 amount for any employee is reduced by the amount of wages paid or incurred during the calendar year on behalf of that employee that are used in figuring:

- The work opportunity credit (Form 5884) or
- The welfare-to-work credit (Form 8861).

For qualified wages paid or incurred for services performed by an employee in the New York, NY (Upper Manhattan) Empowerment Zone, you must reduce the \$15,000 amount by the amount of wages paid or incurred to that employee during the calendar year that were used to figure the New York Liberty Zone business employee credit (Form 8884).

Line 1b—Qualified Renewal Community Wages

Enter the total qualified renewal community wages paid or incurred during calendar year 2004. The credit must be figured using only the wages that you paid or incurred in the calendar year that ended with or within your tax year. For example, if your tax year began on April 1, 2004, and ended on March 31, 2005, you must figure wages based on the calendar year that began on January 1, 2004, and ended on December 31, 2004. Wages paid after the end of the calendar year may be used only to figure the credit claimed on the following year's tax return.

Qualified renewal community wages are qualified wages paid or incurred by an employer for services performed by an employee while the employee is a qualified renewal community employee (defined earlier). The maximum wages that may be taken into account for each employee is limited to \$10,000. The \$10,000 amount for any employee is reduced by the amount of wages paid or incurred during the calendar year on behalf of that employee that are used in figuring:

- The work opportunity credit (Form 5884) or
- The welfare-to-work credit (Form 8861).

Line 2

In general, you must reduce your deduction for salaries and wages and certain educational and training costs by the line 2 credit amount. You must make this reduction even if you cannot take the full credit this year because of the tax liability limit. If you capitalized any costs on which you figured the credit, reduce the amount capitalized by the amount of the credit attributable to these costs.

Members of a controlled group of corporations and businesses under common control are treated as a single employer in determining the credit. The members share the credit in the same proportion that they paid or incurred qualifying wages.

Line 5

Enter the amount included on line 4 that is from a passive activity. Generally, a passive activity is a trade or business in which you did not materially participate. Rental activities are generally considered passive activities, whether or not you materially participate. For details, see Form 8582-CR, Passive Activity Credit Limitations (for individuals, trusts, and estates), or Form 8810, Corporate Passive Activity Loss and Credit Limitations (for corporations).

Line 7

Enter the passive activity credit allowed for the 2004 EZRCE credit from Form 8582-CR or Form 8810. See the instructions for the applicable form for details.

Line 9

Use only if you amend your 2004 return to carry back an unused credit from 2005.

Line 10

If line 10 is zero, skip Part II.

Pass-through entities allocate the credit as follows.

S corporations and partnerships.

Allocate the credit among the shareholders or partners. Attach Form 8844 to the return and show the credit for each shareholder or partner on Schedule K-1. Electing large partnerships include this credit in "general credits."

Estates and trusts. Allocate the credit between the estate or trust and the beneficiaries in proportion to the income allocable to each. On the dotted line to the left of the amount on line 10, the estate or trust should enter its part of the total credit. Label it "1041 Portion" and use this amount in Part II to figure the credit to claim on Form 1041, U.S. Income Tax Return for Estates and Trusts.

Cooperatives. Most tax-exempt organizations cannot take the credit, but a cooperative described in section 1381(a) can take the credit to the extent of its tax liability. Allocate the credit in excess of the tax liability limit to the patrons of the cooperative.

Line 17

Although you may not owe alternative minimum tax (AMT), you generally must still compute the tentative minimum tax (TMT) to figure your credit. For a small corporation exempt from the AMT under section 55(e), enter zero. Otherwise, complete and attach the applicable AMT form or schedule. Enter on line 17 the TMT from the line shown below.

- Individuals: Form 6251, line 33.
- Corporations: Form 4626, line 12.
- Estates and trusts: Form 1041, Schedule I, line 54.

Line 18

See section 38(c)(5) for special rules that apply to married individuals filing separate returns, controlled groups, regulated investment companies, real estate investment trusts, and estates and trusts.

Line 22

Enter the amount of all other allowed credits that make up the general business credit (other than the New York Liberty Zone business employee credit figured on Form 8884 and any credit from Section B of Form 8835). If you are filing Form 3800, enter on line 22 the

amount shown on line 19 of Form 3800. Otherwise, enter on line 22 the credit from the last line of the credit form (e.g., line 18 of Form 8586, Low-Income Housing Credit).

Line 24

If you cannot use all of the credit because of the tax liability limit (line 23 is smaller than line 10), carry the unused credit back 1 year then forward up to 20 years. To carry back an unused credit, file an amended income tax return (Form 1040X, 1120X, or other amended return) for the prior tax year or an application for tentative refund (Form 1045, Application for Tentative Refund, or Form 1139, Corporation Application for Tentative Refund). If you file an application for tentative refund, it generally must be filed by the end of the tax year following the tax year in which the credit arose.

Paperwork Reduction Act Notice. We ask for the information on this form to carry out the Internal Revenue laws of the United States. You are required to give us the information. We need it to ensure that you are complying with these laws and to allow us to figure and collect the right amount of tax.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and return information are confidential, as required by section 6103.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is:

- Recordkeeping** 8 hr., 22 min.
- Learning about the law or the form** 2 hr., 22 min.
- Preparing and sending the form to the IRS** 2 hr., 37 min.

If you have comments concerning the accuracy of these time estimates or suggestions for making this form simpler, we would be happy to hear from you. See the instructions for the tax return with which this form is filed.