

Hiring Employees in Georgia? You May Qualify for a Tax Credit

By: *Wendy Langlais-Tillery, CPA, Tax Partner, CohnReznick*
Anita Anand, JD, Senior Associate, CohnReznick

Maximizing operating costs and revenues is a critical aspect to running a successful business. Yet with a business' most important asset being its employees – and also the most costly – are there options to help lower labor costs? With jobs being a major emphasis to help improve the economy, there are a number of tax incentive programs related to job creation that can help offset labor costs.

One such incentive is the Opportunity Zone Tax Credit (OZTC) which incentivizes employers to create jobs in areas of need or "Opportunity Zones" as designated by the Georgia Department of Community Affairs (DCA). This program, separate from the Basic Jobs Tax Credit program, allows certain employers within "Opportunity Zones" to benefit from enhanced state job tax credits if the business creates net new jobs (as further discussed below).

The Georgia Department of Community Affairs (DCA) has designated a number of "Opportunity Zones" throughout Georgia, including several areas within downtown Atlanta. As such, many employers may be eligible for OZTC benefits simply by being located in, relocating to, or expanding within these areas of downtown Atlanta.

Contrary to the basic jobs tax credit, the OZTC Program does not limit the type of businesses eligible for the tax credit which means **any** lawful business, including retail, is eligible for the program.

How Much In Tax Credits Can I Receive?

The tax credit associated with the OZTC is a nonrefundable \$3,500 annual income tax credit per eligible net new full-time job. The credit can be taken each year for five successive years - as long as such job is maintained over the five-year compliance period. As such, the total possible state tax credit for each net new qualifying job over five years is \$17,500. If the amount of the tax credit exceeds the business's income tax liability, the excess credit may offset the business' quarterly or monthly withholding payments.

How Does My Business Qualify for the Tax Credit?

In order to qualify for the OZTC, several requirements must be met. The average wage of the new job created must pay above the average wage of the county that has the lowest average wage in the state.

Second, the employer must make health insurance coverage *available* to the employee filling the new fulltime job opportunity. Note that the employer is not required to actually pay for either all or part of the insurance coverage rather the employer must simply make health insurance coverage available to the new employee.

Additionally, a business must increase its employee count by two or more full-time positions in any given year to be eligible for the OZTC. There are no requirements or limitations on the type or nature of the positions created, only that the positions be for full-time employment. This differs from the job creation requirement under the Basic Jobs Tax Credit program which requires an increase in employment by five

or more full-time positions in order for a business to be eligible for the basic jobs tax credit. Therefore, another advantage of being in an Opportunity Zone is the lower job creation threshold.

Note that the job creation requirement is based on net new jobs to Georgia. As such, any existing business relocating to an Opportunity Zone would have a requirement to create two new full-time jobs in order to qualify for this credit because any existing transferred jobs would be treated as relocated jobs within Georgia and not net new jobs to the state under the OZTC Program.

However, in the case of an out-of-state business entity relocating to Georgia, all of the jobs associated with that business would generally constitute net new jobs to Georgia for purposes of the tax credit. Therefore, an out-of-state business would not need to create additional new full-time positions in the year it relocates to Georgia in order to be eligible for the OZTC.

To determine whether the job creation threshold has been met and how many net new jobs have been created, businesses must complete the Georgia Department of Revenue Form IT-CA which calculates the monthly average of full-time employees for the year preceding the year in which the business plans to claim the tax credit. The form then compares the prior year's monthly average to the current year's monthly average to establish whether the job creation threshold has been met.

Businesses must also apply for a certification from the Department of Community Affairs stating that the business and the jobs created are within a currently designated Opportunity Zone.

Despite the filing requirements and nuances associated with the Opportunity Zone Tax Credit Program, this tax credit can present a lucrative new funding source for businesses considering job creation in Atlanta and other Georgia Opportunity Zones.

Contact Information:

Wendy Langlais-Tillery is a partner with CohnReznick in the Atlanta tax department with more than 18 years of public accounting experience servicing clients that require a diverse range of tax services and structuring. Anita Anand is a licensed attorney and Senior Associate with CohnReznick. With origins dating back to 1919, CohnReznick is currently the 11th largest accounting, tax and advisory firm in the United States, combining the resources and technical expertise of a national firm with the hands-on, entrepreneurial approach that today's dynamic business environment demands. Headquartered in New York, NY, CohnReznick serves its clients with 25 offices, more than 280 partners, and 2,000 employees. The firm is a member of Nexia International, a global network of independent accountancy, tax, and business advisors. For more information, visit www.cohnreznick.com.

Wendy can be contacted at 404-847-7774, wendy.langlais@cohnreznick.com and Anita may be contacted at 404-459-5602, anita.anand@cohnreznick.com.

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