

FORM 316
2024

New Jersey Corporation Business Tax
Business Retention and Relocation Tax Credit

Name as Shown on Return	Federal ID Number	Unitary ID Number, if applicable NU
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Read the instructions before completing this form

Combined Return Filers

- ☐ The taxpayer is included as a taxable member on a New Jersey combined return. See instructions.
Fill in oval if member is **not** sharing its credit with other members of the group. ☐

Part I Taxpayer Qualifications

1. Has the taxpayer entered into an agreement with the New Jersey Commerce Commission to undertake a project to relocate and retain full-time jobs within New Jersey?..... ☐ YES ☐ NO
2. Has the taxpayer received a tax credit certificate issued by the New Jersey Division of Taxation?..... ☐ YES ☐ NO

Check the box to indicate a copy of the certificate has been submitted to the Division of Taxation ☐

Note: If the answer to question 1 or question 2 is "NO," do not complete the rest of this form. The taxpayer does **not** qualify for this tax credit. Otherwise, go to Part II.

Part II Calculation of the Available Credit

3. Enter the approved tax credit amount as reported on the tax credit certificate for the current privilege period or tax year	3.	
4. Business Retention and Relocation Tax Credit carried forward from prior year	4.	
5. Total credit available (add lines 3 and 4)	5.	

Part III Calculation of the Allowable Credit Amount and Carryforward
(Combined return filers DO NOT complete Part III. Continue with Part IV.)

6. Enter tax liability from page 1, line 2a of CBT-100 or CBT-100S.....	6.	
7. Enter the required minimum tax liability (see instructions)	7.	
8. Subtract line 7 from line 6	8.	
9. Other tax credits used by taxpayer on current year's return (see instructions): (a) _____ (b) _____ (c) _____ (d) _____		
..... Total	9.	
10. Subtract line 9 from line 8	10.	
11. Allowable credit for the current tax period. Enter the lesser of line 5 or line 10 here and on Schedule A-3, Part I of the CBT-100 or CBT-100S.....	11.	
12. Amount of credit carryforward to following year's return (subtract line 11 from line 5).....	12.	

Name as Shown on Return		Federal ID Number	Unitary ID Number, if applicable NU
Part IV Calculation of Allowable Credit Amount and Carryforward – Combined Return Filers ONLY			
Section A – ALL Combined Return Filers			
13. Enter the group tax liability from Schedule A, Section II, Part III, line 4a, column (c) of CBT-100U		13.	
14. Enter the amount from Schedule A, Section II, Part III, line 4b, column (c) of CBT-100U.....		14.	
15. Subtract line 14 from line 13.....		15.	
16. Other tax credits used by combined group on current year's return (see instructions)			
(a) _____			
(b) _____			
(c) _____			
(d) _____			
..... Total		16.	
17. Subtract line 16 from line 15. If zero or less, enter zero		17.	
18. Allowable credit for the current tax period. Enter the lesser of line 5 or line 17. If sharing , also enter in the member's column of Schedule A-3, Part I of the CBT-100U		18.	
If SHARING credit, complete line 19.			
If NOT sharing credit, skip line 19 and complete Section B.			
19. Amount of credit carryforward to following year's return (subtract line 18 from line 5).....		19.	
Section B – Combined Return Filers NOT Sharing Credit			
20. a) Enter combined group tax liability from line 13.....		20a.	
b) Divide line 20a by the combined group allocation factor from Schedule J, line 9		20b.	
c) Member's share of combined group tax liability – Multiply line 20b by member's allocation factor from Schedule J, line 9		20c.	
21. Required minimum tax liability		21.	2,000
22. Subtract line 21 from line 20c.....		22.	
23. Other tax credits used by taxpayer on current year's return (see instructions):			
(a) _____			
(b) _____			
(c) _____			
(d) _____			
..... Total		23.	
24. Subtract line 23 from line 22. If zero or less, enter zero		24.	
25. Allowable credit for the current tax period. Enter the lesser of line 18 or line 24 here and in the member's column of Schedule A-3, Part I of the CBT-100U		25.	
26. Amount of credit carryforward to following year's return (subtract line 25 from line 5).....		26.	

Instructions for Form 316

Business Retention and Relocation Tax Credit

Purpose of this Form

This form must be completed by any taxpayer claiming a Business Retention and Relocation Tax Credit (N.J.S.A. 34:1B-112 et seq.) against the tax due pursuant to N.J.S.A. 54:10A-5. Parts III and IV are used to calculate the allowable credit and carryforward. Taxpayers filing Forms CBT-100 or CBT-100S complete Part III and CBT-100U filers complete Part IV.

The credit amount may first be taken by the tax certificate holder, i.e., the original recipient, for the tax period *for which* it was issued, for the tax period *in which* it was issued, or for any tax period during the commitment duration set forth in the project agreement with the Economic Development Authority. The tax certificate holder may transfer the tax credit amount on or after the date of issuance for use by the transferee, i.e., the credit purchaser, for the tax period *for which* it was issued, for the tax period *in which* it was issued, or for any of the next three successive tax periods. The tax certificate holder or transferee may first use the credit against tax liabilities for the tax period in which it was issued or for a succeeding tax period **without the need for amending the tax return** for the tax period for which the credit was issued. No more than the amount of tax credits equal to the total credit amount, divided by the duration of the tax credit term, in years, may be taken in any tax period. An *original recipient* can carry forward any unused portion of the tax for any tax period during the project's specified commitment duration. A *tax credit purchaser* can carry forward any unused portion of the tax credit for three succeeding tax periods after the tax period *for which* the credit certificate was issued.

Taxpayers that purchased the tax credit through the Economic Development Authority tax benefit transfer program may also claim the credit using this form and are bound by the rules and limitations in the applicable credit transfer statute for the credit program.

Combined Return Filers

If filing a combined return, the form must be completed by the member that earned (purchased) the credit. All combined return filers must check the combined return filers box at the top of the form and complete Part IV, Section A.

Members Opting Not to Share. In general, tax credits are earned by a member of the combined group and are shareable with the combined group. However, members are not required to share their credits. See N.J.S.A. 54:10A-4.6.i and TB-90(R), *Tax Credits and Combined Returns*. In addition to Section A, members that choose not to share must also complete Part IV, Section B and fill in the oval at the top of the form to indicate they are not sharing the credit.

FYI

Taxpayers must include the appropriate credit form in the year the credit was earned even if they are not claiming the credit on their tax return.

Part I – Qualifications

To be eligible for the tax credit, the answer to questions 1 **and** 2 must be "YES." If the answer to question 1 or 2 is "NO," the taxpayer is not entitled to the Business Retention and Relocation Tax Credit.

A completed Form 316 must be included with the CBT-100, CBT-100S, or CBT-100U return to validate the claim. A copy of the tax credit certificate and a copy of the completed Form 316 must be submitted by mail to the New Jersey Division of Taxation, CBT Refunds/Tax Credits, PO Box 259, Trenton, NJ 08695-0259. Failure to submit this documentation by mail will result in the delay and/or denial of the tax credit claimed.

Taxpayers that have received a grant of tax credits as a result of the project agreement must include the related tax credit certificate issued by the New Jersey Division of Taxation.

Part II – Calculation of the Available Credit

Follow the instructions on lines 3 through 5 to calculate the total Business Retention and Relocation Tax Credit.

Part III – Calculation of the Allowable Credit Amount and Carryforward (for CBT-100 and CBT-100S Filers only)

For CBT-100 and CBT-100S filers, the allowable Business Retention and Relocation Tax Credit for the current period is calculated in Part III. Combined return filers do not complete Part III, and must complete Part IV instead. The amount of this credit in addition to the amount of any other tax credits taken cannot exceed an amount that would reduce the total tax liability below the statutory minimum.

Line 7 – The minimum tax is assessed based on the New Jersey Gross Receipts as follows:

New Jersey Gross Receipts	CBT-100	CBT-100S
Less than \$100,000	\$500	\$375
\$100,000 or more but less than \$250,000	\$750	\$562
\$250,000 or more but less than \$500,000	\$1,000	\$750
\$500,000 or more but less than \$1,000,000	\$1,500	\$1,125
\$1,000,000 or more	\$2,000	\$1,500

If a taxpayer is filing a separate return and is a member of an affiliated or controlled group that has a total payroll of \$5,000,000 or more for the return period, the minimum tax is \$2,000. Tax periods of less than 12 months are subject to the higher minimum tax if the prorated total payroll exceeds \$416,667 per month.

Line 9 – Taxpayers claiming multiple credits must list any credits already applied to the tax liability to ensure accuracy of the calculation for maximum credit allowable.

Part IV – Calculation of the Allowable Credit Amount and Carryforward for Combined Return Filers

For CBT-100U filers, the allowable Business Retention and Relocation Tax Credit for the current year is calculated in Part IV. All combined return filers must complete Section A. Members that choose not to share their credit must also complete Section B.

Section A – To be completed by ALL combined return filers

This section calculates the amount of credit allowable for the group. If a member chooses not to share their credit with the group, Section A must still be completed to ensure the credit allowed for the member does not exceed the amount that would otherwise be allowed against the group tax liability.

The amount of the credit calculated in this section cannot reduce the tax liability to an amount less than the aggregate statutory minimum tax of the group members.

Line 16 – Combined groups claiming multiple credits must list any credits already applied to the group tax liability to ensure accuracy of the calculation for maximum credit allowable.

Section B

This section is used to calculate the amount of credit allowable for members that choose not to share their credit with the group. Section B is completed based on the member's share of the group tax liability. The amount of the credit calculated in this section cannot reduce the tax liability to an amount less than \$2,000. The amount of the credit is also limited to the amount that would otherwise be allowed against the group tax liability if the member had been sharing the credit.

Line 23 – Members claiming multiple credits must list any credits already applied to the member's tax liability to ensure accuracy of the calculation for maximum credit allowable.