

FORM 325
(10-21)
2021

**New Jersey Corporation Business Tax
Public Infrastructure 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 Qualifications

1. Has the government entity receiving the public infrastructure, developed by the applicant, adopted a resolution and filed it with the New Jersey Economic Development Authority, consenting to the award of the tax credit and the transfer of ownership of the public infrastructure to that government entity, and either: (1) the construction commences after January 1, 2013; (2) the construction is completed, as evidenced by a certificate of occupancy or other certificate of completion, after January 1, 2013; (3) the first monetary or debt service payment occurs after January 1, 2013; or (4) the land is deeded to the government entity after January 1, 2013 YES NO
2. Does the taxpayer have a Public Infrastructure Tax Credit that was granted by the New Jersey Economic Development Authority? YES NO
3. Has the taxpayer received a paper tax credit certificate issued by the New Jersey Division of Taxation? YES NO
Check the box to indicate the original certificate has been submitted to the Division of Taxation
4. Does the taxpayer have a tax incentive profile on the New Jersey eCerts portal with a Public Infrastructure Tax Credit amount available for use? YES NO

NOTE: If the answer to question 1 or both questions 3 and 4 is "NO," do not complete the rest of this form. The taxpayer is **not** eligible for this tax credit. Otherwise, go to Part II.

Part II Calculation of the Available Credit

5. Amount of the tax credit awarded by the Economic Development Authority	5.	
6. Total Realty Transfer Fees paid by the applicant for the land and real property on which the public infrastructure project is built.....	6.	
7. Amount of the tax credit available to offset the total Realty Transfer Fees paid by the applicant for the project.....	7.	
8. Amount of the tax credit available to offset the applicant's Corporation Business Tax liability	8.	

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

9. Enter tax liability from page 1, line 2 of CBT-100, CBT-100S, or BFC-1	9.	
10. Other tax credits used by taxpayer on current year's return (see instructions):		
(a) _____		
(b) _____		
(c) _____		
(d) _____ Total	10.	
11. Subtract line 10 from line 9. If zero or less, enter zero	11.	
12. Allowable credit amount. Enter the lesser of line 8 or line 11 here and on Part I, Schedule A-3 of Form CBT-100, CBT-100S, or BFC-1.....	12.	

Note: There is no carryover provision for this tax credit.

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Part IV Calculation of Allowable Credit Amount – Combined Return Filers ONLY

Section A – ALL Combined Return Filers

13. Enter the group tax liability from Schedule A, Part III, line 5, column (a) of CBT-100U.....	13.	
14. Other tax credits used by combined group on current year's return (see instructions):		
(a) _____		
(b) _____		
(c) _____		
(d) _____ Total	14.	
15. Subtract line 14 from line 13. If zero or less, enter zero	15.	
16. Allowable credit for the current tax period. Enter the lesser of line 8 or line 15. If sharing , also enter in the member's column of Part I, Schedule A-3 of the CBT-100U	16.	

If SHARING credit, complete line 17.

Note: There is no carryover provision for this tax credit.

Section B – Combined Return Filers NOT Sharing Credit

17. a) Enter combined group tax liability from line 13.....	17a.	
b) Divide line 17a by the combined group allocation factor from Schedule J, line 9	17b.	
c) Member's share of combined group tax liability – Multiply line 17b by member's allocation factor from Schedule J, line 9	17c.	
18. Other tax credits used by taxpayer on current year's return (see instructions):		
(a) _____		
(b) _____		
(c) _____		
(d) _____ Total	18.	
19. Subtract line 18 from line 17c. If zero or less, enter zero	19.	
20. Allowable credit for the current tax period. Enter the lesser of line 16 or line 19 here and in the member's column of Part I, Schedule A-3 of the CBT-100U	20.	

Note: There is no carryover provision for this tax credit.



Instructions for Form 325 Public Infrastructure Tax Credit

Purpose of this Form

This form must be completed by any taxpayer that claims a tax credit as provided for in N.J.S.A. 34:1B-251. The credit is for the development of public infrastructure by the applicant, which is then given to a municipality provided the statutory criteria are met. The credit is used to offset a taxpayer's liability for the Realty Transfer Fees and Corporation Business Tax.

If the credit exceeds the amount of tax liability otherwise due from a business that pays tax otherwise due, the taxpayer may apply with the Executive Director of the Economic Development Authority for a tax credit transfer certificate.

If the taxpayer claims this credit on Form CBT-100, CBT-100U, CBT-100S, or BFC-1, a completed Form 325 must be included with the return to validate the claim.

Parts III and IV are used to calculate the allowable credit and carryover. Taxpayers filing Forms CBT-100, CBT-100S, or BFC-1 complete Part III and CBT-100U filers complete Part IV.

Combined Return Filers

If filing a combined return, this form must be completed by the member that earned 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.



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 question 1 **and** either question 3 or 4 must be “YES.” If the answer to question 1 or both 3 and 4 is “NO,” the taxpayer is not entitled to the Public Infrastructure Tax Credit.

If the taxpayer received a paper tax credit certificate, the original certificate and a copy of the completed Form 325 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.

Part II – Calculation of Available Credit

Follow the instructions on lines 5 through 8 to calculate the total Public Infrastructure Tax Credit.

Part III – Calculation of the Residential Economic Redevelopment and Growth Tax Credit (for CBT-100, CBT-100S, and BFC-1 Filers only)

For CBT-100, CBT-100S, and BFC-1 filers, the allowable Public Infrastructure Tax Credit is calculated in Part III. Combined return filers do not complete Part III, and must complete Part IV instead.

Line 10 – Taxpayers claiming multiple credits must list any credits already applied to the group tax liability to ensure accuracy of the calculation for maximum credit allowable.

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

For CBT-100U filers, the total and allowable Public Infrastructure 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.

Line 14 – 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 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 18 – 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.