

# Homeless Contribution Income Tax Credit (HCTC) Taxpayer Handbook

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## General Overview

The Homeless Contribution Income Tax Credit (HCTC) is intended to encourage taxpayers to make contributions to approved nonprofit organizations providing certain qualifying activities to leverage financial contributions from Colorado residents and businesses to support appropriate housing and services to assist individuals and families experiencing homelessness. The tax credit program will catalyze and strengthen statewide efforts to address the effects of homelessness through private investment and civic engagement in Colorado-based service providers for individuals and families experiencing homelessness. HCTC projects must address how their operational services and/or capital campaigns address homelessness in their community and have a primary focus on assisting individuals or families experiencing homelessness, or, in the case of prevention, individuals or families facing imminent risk of homelessness.

The Division of Housing will administer the Homeless Contribution Income Tax Credit. Nonprofits will work directly with the HCTC Program Manager and Program Coordinator on contribution submission and verification, as well as tax credit certificate administration. Donors will work directly with the nonprofit staff they have contributed to for any questions and concerns they may have about their tax credit.

## Legislation

Created by [HB22-1083](#), this new tax credit replaces a portion of an existing income tax credit available to taxpayers who make contributions to Enterprise Zone Administrators in Enterprise Zones to promote homelessness-related projects to persons experiencing homelessness. This Homeless Contribution Income Tax Credit is available in the entire state for a broader range of homelessness response related activities.

A taxpayer may claim the Homeless Contribution Income Tax Credit when permissible contributions are made to an approved organization that has at least one qualifying activity.

## Roles, Responsibilities, and Definitions

### Division of Housing, Division, or DOH

“The Division of Housing is in the Department of Local Affairs created in Colorado Revised Statutes 24-32-704.”

The Division of Housing administers the Homeless Contribution Income Tax Credit Program and provides technical assistance to approved nonprofit organization partners.

## Approved Nonprofit Organization

A list of approved nonprofit organizations and their approved projects is included on the HCTC section of the Division of Housing website at <https://cdola.colorado.gov/hctc>.

“An approved nonprofit organization means a nonprofit organization that provides a qualifying activity and that has been reviewed and approved by the Division of Housing and has a history or track record of success in delivering services and demonstrated financial viability.

A nonprofit organization must be in good standing with the Secretary of State and is exempt from taxation pursuant to Section 501 (a) of the Federal ‘Internal Revenue Code of 1986’, 26 U.S.C. Sec.501 (a), as amended, and listed as an exempt organization in Section 501 (c)(3) of the Federal ‘Internal Revenue Code of 1986’, 26 U.S.C. Sec. 501 (c)(3), as amended.”

Nonprofits submit contributions to qualifying projects via the Salesforce platform to then generate tax credit certificates. Nonprofits are responsible for issuing certificates, providing assistance, and directly communicating with donors.

Taxpayers should be aware that not all donations to an approved nonprofit organization may qualify for HCTC. Contributions must be applied to an approved project within the approved nonprofit organization. An updated list of [eligible HCTC nonprofits and projects can be found here](#).

## Taxpayer/Donor

“A taxpayer is a resident individual or a domestic or foreign corporation subject to Part 3 of Article 22 of the Colorado Revised Statutes, a partnership, S Corporation, or other similar pass-through entity, estate, or trust that makes a contribution as an entity, and a partner, member, and subchapter S shareholder of such a pass-through entity.”

Taxpayers make qualifying donations directly to the approved organization and designate the qualifying project or HCTC in the donation. Taxpayers are responsible

for communicating any questions or concerns to the nonprofit that they have donated to regarding HCTC.

Additional terms and definitions may be found in [Colorado Revised Statutes \(C.R.S. 39-22-548\)](#)

## Contributions

### Tax Credit Amount

Qualifying contributions that meet the requirements detailed within this section below will be eligible for either a 25% tax credit for donations to activities in non-rural areas or a 30% tax credit for donations to activities in designated rural areas. Rural and nonrural designations are applied to each project and are based on [USDA metro and non-metro designations](#). The nonprofit designates the counties that each project serves upon project creation so that the proper tax credit percentage is applied within Salesforce to each donor that contributes to every project.

### Non-Rural Designation Donations

If an organization has an approved project that serves the entire state, including rural and non-rural counties, taxpayers will receive the 25% tax credit. It is the organization's responsibility to communicate this with their donors.

### Rural Designation Donations

The 30% tax credit is available for any **project** located in an underserved, rural county, even if the nonprofit organization's headquarters is not located in the rural county. Therefore, an organization can have projects in rural and non-rural areas. The percentage of tax credit will be based on the location of the project that the donation supported.

### Contribution Types

#### Monetary Contribution

A contribution in United States currency in any form, including cash, payment made by check, electronic funds transfer, debit card, or credit card.

A monetary contribution must be equal to or greater than \$100 in order to qualify for a tax credit. **Organizations may set a minimum for their organization that is greater than \$100, and they will communicate this with their donors.**

A qualified charitable distribution of cash made from an individual retirement account (IRA) to a qualifying HCTC organization or project is considered a monetary contribution. Please see [IRS Publication 590-B, Distributions from Individual Retirement Arrangements \(IRAs\)](#) for additional information regarding qualified charitable distributions.

A tax credit can be provided for a cumulative recurring monetary donation. Any monetary contribution made after meeting the minimum \$100 threshold will qualify for a tax credit. See below for examples.

### **In-Kind Contribution**

A contribution that is not a monetary contribution and is valued over \$5,000 pursuant to an independent third-party valuation. In-kind contributions can include a contribution of property, services, stocks, bond, or other intangible property.

Contributions of property are based on the fair market value of the property on the date of the contribution, determined in a manner consistent with IRS guidance. Please see [IRS Publication 561, Determining the Value of Donated Property](#) for additional information.

Virtual currency, including digital currency and cryptocurrency, is considered by the IRS to be property and therefore would qualify as an in-kind contribution provided other qualifications are met. See the [IRS website](#) for more guidance on virtual currency contributions.

A tax credit can be provided for a cumulative in-kind donation. See below for examples.

### **Recurring or Cumulative Contributions**

Cumulative recurring donations throughout the tax year qualify for HCTC. A donor will not receive their certificate until they have reached the minimum contribution of either 1) \$100 in monetary contributions or another minimum set by the nonprofit organization, or 2) over \$5,000 in in-kind contributions (all with appraisal documentation). The tax credit certificate will have the contribution date of the last qualifying contribution that met the minimum donation threshold.

## Recurring Monthly Contributions Example

If a donor contributes \$25 every month for a total of \$300 during the tax year, that donor will qualify for the tax credit after they have contributed \$100 (or after 4 months of contributions).

## Multiple Stock (In-Kind) Gifts Example

If a donor submits multiple stock gifts within the same year, as long as valuation documentation is included for each individual gift and the total of the stock gifts is over \$5,000, this contribution will qualify for HCTC.

## Documentation

Donors submitting a contribution valued at over \$5,000 (monetary or in-kind) on the date of donation must include documentation of the contribution that includes the following:

- Independent third-party valuation (in-kind donation only)
- Copy of the check or Receipt for cash or check donations that includes donor name, donation amount, donation date, nonprofit name, and check number (if applicable)
- Credit card document that includes the approval code number for the purchase
- Aggregate report from an employer's payroll for payroll deductions

All contributions must be made to the nonprofit organization and should not be distributed to the Division of Housing or HCTC. DOH advises that, as best practice, all qualifying contributions, monetary or in-kind, are processed by the nonprofit and designated for an HCTC-eligible project. Please keep in mind that the taxpayer's explicit contribution designation is not required in order for a contribution to qualify for the tax credit. This practice is to assist nonprofits in organization and tracking of all qualifying tax credit contribution documentation. Designation could be in the memo section of the check, notes section in an online donation, or a note added by the nonprofit staff after receiving the donation in a confirmation email.

Below is an example of how a check would be written to the nonprofit organization and following best practice of designating "HCTC" in the memo of the check.



		DATE	<u>01/23/2023</u>
PAY TO THE ORDER OF	<b>Nonprofit Organization</b>	\$	<b>250.00</b>
<u>Two Hundred Fifty and 00/100</u>		DOLLARS	
MEMO	<b>HCTC</b>	SIGNATURE	<i>John Donor</i>
ROUTING NUMBER	CHECK NUMBER	ACCOUNT NUMBER	

## Submission Process

When a taxpayer makes an eligible donation to a nonprofit organization for HCTC, the nonprofit will submit the contribution to Salesforce. Approved nonprofits will have login access to the Division’s Salesforce database to submit new contributions and to review previously submitted contributions and tax credit certificates. The contribution information and donor’s Personal Identifying Information (PII) are saved in this encrypted database.

After a nonprofit submits a contribution for HCTC eligibility, the contribution will be approved or disapproved based on guidelines. An approval email will be sent via the Salesforce platform. At that point, the timeframe in which the donor receives a certificate will depend on which certificate-issuing frequency the nonprofit has selected, as described in the “Certificates” section below.

## Optional Donor Salesforce Interface

Some nonprofits may allow donors to submit their own contributions via a separate Salesforce donor interface on the HCTC website. **Nonprofits will communicate with their donors if they are expected to submit their own contributions.**

DOH asks that all donors confirm with nonprofit staff prior to submitting their own contributions and ensure that they follow the instructions and guidance that is provided upon this approval.

Donors who submit their own contributions for approval must abide by the [Formatting and Style Guide](#).



## Taxpayer Limitations

Donors must be liable for Colorado state income taxes. The tax credit shall not exceed \$100,000 per taxpayer per tax year. Taxpayers will be notified via email or mailed letter if they reach this maximum. Please note that this is the tax credit maximum, not the donation maximum. For example, taxpayers who donate to non-rural areas and receive 25% tax credit will reach their maximum HCTC credit if they donate \$400,000 to receive \$100,000 of tax credit in that tax year.

## Direct Benefit Deduction

The statutes provide that no credit is to be “allowed for contributions that directly benefit the contributor.” When a donor receives a benefit, the value of the donation shall be reduced by the benefit received or attributable to the donor to arrive at a contribution that may be certified for the tax credit.

Donations to all projects are evaluated by the nonprofit organization before issuing the tax credit certificate. When a direct benefit is attributable to the donor, the original donation value, the value of the direct benefit (including calculations and assumptions), and the final contribution value should be documented. The credit is certified by the Division of Housing for the final contribution value.

## Examples

### Fundraising Dinners

If a donor who attends a fundraising dinner donates \$1,000 to attend the event; the contribution eligible for the tax credit will be \$925 if the dinner itself is valued at \$75.

### Nonprofit Staff

If a staff member of an approved nonprofit organization donates to their employer, that contribution would be eligible only if the employee does not directly benefit through salary, benefits, or other personal gain.

## Eligible & Ineligible Contributions

### Eligible Contributions

In order to qualify for a tax credit, a contribution must meet the minimum donation requirements described under “Contribution Types”. The contribution also cannot be

submitted through a Donor Advised Fund (DAF) or intermediary organization. Please see the list of eligible contributions below.

- Monetary donations of \$100 or more, including cash, check, payroll deductions, and credit card
- Qualified Charitable Distributions (QCD) of \$100 or more made directly from an Individual Retirement Account (IRA) or other similar retirement account
- Monetary donations of \$100 or more donated through a giving software platform listed below
- Multiple monetary donations equalling a cumulative amount of \$100 or more during the tax year (ie. a recurring monthly donation less than \$100)
- In-kind donations valued at over \$5,000 on the contribution date according to independent third-party valuation, including a contribution of property, services, stocks, bonds, or other intangible property
  - Virtual currency, including digital currency and cryptocurrency, is considered an in-kind contribution and must meet the same qualifications as other in-kind contribution types.
- Multiple in-kind donations equalling a cumulative amount over \$5,000 during the tax year (must be submitted as one contribution total)

## Software Services

Organizations may use donation processing software available to them. If the donation is going directly to the organization through the software system they use, this contribution may qualify for HCTC. This service is acceptable because the funds are still directly distributed to the organization and they do not “pass through” another organization.

Below is a list of software services that would process contributions in an eligible manner for HCTC. Please confirm with nonprofit staff prior to submitting contributions that go through a software system. **Please note that this list is not exhaustive.**

- [Network for Good](#)
- [Bright Funds](#)
- [Fundraise Up](#)

## Ineligible Contributions

- In-kind gifts totalling \$5,000 or less
- Monetary donations totalling less than \$100

- Gifts through intermediary organizations (see below for more details)
- Gifts through a pass-through organization that liquidates stock on another's behalf
- Credit card fees associated with a monetary donation
- Donations from a Donor Advised Fund (DAF)

Taxpayers cannot claim both a Homeless Contribution Income Tax Credit and a Child Care Contribution Credit for the same contribution.

### Intermediary Organizations

Contributions through intermediary organizations are ineligible for HCTC. Some taxpayers may have previously received an Enterprise Zone tax credit for contributions to intermediary organizations that were fundraising for an eligible homelessness-related nonprofit. For the Enterprise Zone tax credit program, Section 39-30-103.5(5)(b), C.R.S., was added to specifically allow the enterprise zone contribution credit for contributions made to approved programs, projects, or organizations through an intermediary nonprofit organization. This portion of the statute was added by House Bill 13-1190, allowing contributions made to an intermediary organization (examples listed below) which then distributed the funds to the qualifying organization.

Because the Colorado Revised Statutes do not make this allowance for the Homeless Contribution Income Tax Credit, contributions through intermediary organizations are not eligible for an HCTC tax credit. **Listed below are intermediary organizations that are not eligible avenues for HCTC contributions. Please note that this list is not exhaustive.**

- [Colorado Gives 365](#)
- [Mile High United Way](#)
- [CHC: Creating Healthier Communities](#)
- [Thrivent Charitable](#)
- [Community Shares of Colorado](#)

If a donor has any questions regarding the avenue that donations are submitted to the organization of their choosing, it is recommended that they contact that nonprofit to discuss donation options.

### Donor-Advised Funds (DAF)

Donor-Advised Funds are not eligible for the Homeless Contribution Income Tax Credit. The term "donor-advised fund" is specifically defined in section 4966(d)(2) of

the Internal Revenue Code and explained briefly on the IRS website and in IRS Publication 526. As the IRS explains:

"Generally, a donor-advised fund is a separately identified fund or account that is maintained and operated by a section 501(c)(3) organization, which is called a sponsoring organization. Each account is composed of contributions made by individual donors. Once the donor makes the contribution, the organization has legal control over it. However, the donor, or the donor's representative, retains advisory privileges with respect to the distribution of funds and the investment of assets in the account."

Sometimes investment brokerages set up a 501(c)(3) organization to administer donor advised funds. Examples of organizations that sponsor Donor-Advised Funds:

- [Fidelity Charitable](#)
- [Thrivent Charitable](#)
- [Vanguard Charitable](#)
- [National Christian Foundation](#)

Please note that this list is not exhaustive.

## Certificates

### What is a Tax Credit Certificate?

After a contribution is submitted and approved by the Division of Housing for a tax credit, a tax credit certificate is issued by the nonprofit that represents the credit approved based on the eligible contribution.

The credit a taxpayer can use for any tax year is limited to the taxpayer's net tax liability. If the allowable credit exceeds the taxpayer's net tax liability, the taxpayer can carry forward the excess credit for application toward the tax due for subsequent tax years. Credits may be carried forward up to five tax years. Any credit that has not been used within the carryforward period expires and is no longer available to the taxpayer.

### Certificate Information

Tax Credit Certificates include the following information:

- Taxpayer's Full Name (as it appears on their taxes)
- Taxpayer's Address



- Taxpayer’s Full Social Security Number
- Taxpayer’s Phone Number (optional)
- Taxpayer’s Email (optional)
- Organization Name and Project Activity

It is important that all information submitted for the qualifying contribution is complete and accurate. When submitting information to the nonprofit for a contribution, please ensure that the [Formatting and Style Guide](#) is followed. Having accurate data is extremely important for the HCTC program and to ensure that certificates are printed correctly.

### Why is my full Social Security Number required?

According to C.R.S. 39-22-548, subsection (3)(c), “the tax credit certificate must state the amount of the allowable contribution, the taxpayer’s name, the taxpayer’s **Social Security Number or Federal Employer Identification Number**, the type of contribution, the date the taxpayer made the contribution, the amount of the tax credit that is authorized for that taxpayer, and any other information that the Executive Director of the Department of Revenue may require. Tax credit certificates shall be issued in the order of received allowable contributions.”

The Social Security Number (SSN) cannot be substituted with the last four digits of the SSN or Colorado Tax ID. An Individual Taxpayer Identification Number (ITIN) is an acceptable form of ID for individual taxpayers without an SSN. DOH will take security measures, including encryption, to keep data as safe as possible. Personally Identifiable Information (PII) should be encrypted in transit and at rest, and nonprofits should follow the [Colorado Privacy Act](#) and other laws as they apply.

### Certificate Frequency

**Nonprofits will select the preferred cadence of issuing the certificate for all donors.** The frequency options are set at the nonprofit level with options for immediate, quarterly, or annual certificates. The state’s preference is for certificates to be issued once per taxpayer per tax year.

- **Immediate frequency:** The certificate will be produced in Salesforce immediately upon approval.
- **Quarterly frequency:** The certificate will not be produced in Salesforce immediately. The certificate will be produced on the last day of the month

following the end of each quarter (April 30th, July 31st, October 31st, and January 31st).

- **Annual frequency:** The certificate will not be produced in Salesforce immediately. The certificate will be produced no later than February 15th of the following tax year by the nonprofit.

## Certificate Distribution

Donors will receive tax credit certificates either via email or mail and in the frequency that the nonprofit has selected.

For taxpayers with email addresses provided, the nonprofit will send a Salesforce link to the certificate via email after the nonprofit has reviewed and approved the contribution. This link follows data privacy requirements and can only be accessed with a login code provided via email. This is to provide as much security of the taxpayer's information as possible. Any taxpayer expecting a tax credit certificate via email should regularly check their spam folder, as the link from Salesforce may go there. The email will have the name of the organization's staff member who has approved the contribution as the "Sender". The subject line of the email will say "Contribution Approved for Homeless Contribution Tax Credit | Certificate Available"

For donors without an email address, the nonprofit will access the certificate via Salesforce, print the certificate, and distribute it to the taxpayer.

## Revoked Certificates

In the rare case that a contribution is not accurate but the certificate has already been distributed, the nonprofit may revoke a certificate. A revoked certificate is not certified to provide a tax credit to the donor.

Taxpayers will receive notice when a certificate has been revoked, either by email or by mail. Once the certificate is corrected, the taxpayer will receive a new certificate with a new certificate number and the accurate information that they can then submit for their taxes. Taxpayers should shred the old, inaccurate version of the certificate.

## Department of Revenue

Enforcement and approval of HCTC tax credits is the responsibility of the Department of Revenue (DOR). The DOR is the authority in which each donor's tax credit is

reviewed and processed. Any donors with discrepancies regarding a disapproved tax credit may request a [General Letter Ruling or a Private Letter Ruling](#) for clarification.

The amount of tax credit that is not used as an offset against income taxes in that income tax year may be carried forward as a credit against subsequent years' income tax liability for a period not exceeding five years and must be applied first to the earliest income tax years possible. Any credit remaining after the period may not be refunded or credited to the taxpayer. Taxpayers should submit all tax credit certificates related to a claim and document credit amounts each year in a taxpayer's personal records, such as a spreadsheet. The DOR expects taxpayers to keep track of their eligible tax credits, including carryforward amounts.

The DOR publishes Regulations and information to clarify statutes. These are available through the links below.

Technical tax questions should be directed to one of these resources:

- DOR Helpline: (303) 238-7378. Assists taxpayers when they have specific issues or questions related to filing their taxes or for specific tax questions that Division staff may not have answers for.
- DOR Website: <https://tax.colorado.gov/>

## Salesforce

### What is Salesforce and why is it used for the HCTC Program?

Salesforce is a software database that will be used to track contributions, tax credits, and certificates. The Salesforce platform allows nonprofit administrators and Division of Housing staff to collaborate effectively and efficiently on qualifying HCTC contributions.

### Who may share my information?

Information will only be shared between the nonprofit receiving the contribution, the Department of Local Affairs (DOLA), and the Department of Revenue (DOR). Approved nonprofits will only be able to see their donor information. Nonprofits will not have access to information for contributions to another organization.

### How will my information be used?

The State is required by law (C.R.S. 39-22-548) to collect Personal Identifiable Information (PII), including the full Social Security Number, to meet requirements of

the HCTC program. DOLA staff must collect this information to verify accuracy of contributions and allow nonprofits to issue tax certificates. The DOR needs access to this information as well for tax verification purposes.

## What information may be shared?

- Taxpayer’s Full Name (as it appears on their taxes)
- Social Security Number, Individual Taxpayer Identification Number, or Employer Identification Number
- Address
- Phone number (optional for donor)
- Email (optional for donor)

## Data Privacy

Salesforce is the software database that will be used to track contributions, tax credits, and certificates. The Salesforce platform allows for nonprofit administrators and Division of Housing staff to collaborate effectively and efficiently on qualifying HCTC contributions. Each time a user logs in to Salesforce, they will check a box acknowledging the following:

### 1. Notice of your Responsibility for Security

Information contained in this system is subject to the Federal Privacy Act of 1974 (5 U.S.C. 552a, as amended). Only authorized persons in the conduct of official business may use private information contained in this system. Any individual responsible for unauthorized disclosure or misuse of private, personal information may be subject to a fine of up to \$5,000 for each violation.

Users acknowledge and agree that the data within Salesforce is highly confidential and may not be shared with other individuals or entities unless that person is also authorized to do so. You further acknowledge and agree to treat and protect the data in accordance with all State of Colorado Department of Local Affairs confidentiality, privacy, and security policies.

### 2. HCTC Personal Identifiable Information Requirement

The State is required by law (C.R.S. 39-22-548) to collect Personal Identifiable Information (PII), including the full Social Security Number, to meet requirements of the HCTC program. DOLA staff must collect this information to verify accuracy of contributions and allow nonprofits to issue tax certificates.



The Division is protected by the legislation that created this program. The Department of Revenue needs access to this information as well for tax verification purposes.

Information will only be shared between the nonprofit that receives individual donor information, the Colorado Department of Local Affairs (DOLA), and the Colorado Department of Revenue (DOR). Approved nonprofits will only be able to see their donor information. Nonprofits will not be able to access donor information outside of their organization.

Information collected in Salesforce may include: name; Social Security Number, Individual Taxpayer Identification Number, or Employer Identification Number; address; phone number (optional for donor); email (optional for donor).

### 3. Acceptable Use Policy

In accessing the Salesforce system, the user agrees:

1. To comply with all applicable laws and regulations including, but not limited to any and all data privacy laws that may apply to the user's access to, or search, use or transfer of any data;
2. Not to use the Salesforce system or any data in any way that infringes on the rights of any individual, including, but not limited to, any Intellectual Property Rights, privacy rights or other civil liberties;
3. Not to engage in any activity intended to harm, disrupt or infiltrate the Salesforce System, including, but not limited to, introducing any malware, virus, "Trojan Horse" or other malicious code designed to disrupt the functionality of the system or enable the unauthorized access of the Salesforce System or any data;
4. Not to use or access Salesforce or the data for commercial purposes or any other purpose not authorized under this agreement;
5. You are solely responsible for maintaining the security and confidentiality of your login and password, and that the authorization to directly access Salesforce is personal to you and may not be transferred or shared with any other person.
  - a. If you become aware of any misuse or unauthorized access to the database, you agree to immediately notify HCTC staff at [dola\\_HCTC@state.co.us](mailto:dola_HCTC@state.co.us).
6. Not to sell, copy, modify, sublicense, distribute, reverse engineer, decompile, or create derivative works of Salesforce;



7. To assume responsibility for the security of information within the Salesforce System by implementing appropriate safeguards, including, without limitation, prohibiting the sharing of any passwords or passcodes associated with the Participant Account, the Participant Administrator(s), Authorized Users, or the Salesforce System itself; and
8. To ensure that its contractors, personnel, and volunteers are responsible for complying with this agreement with respect to their access to and use of the Salesforce System and data.

## Helpful Links and Resources

[HCTC Website](#) - Internet hub for all information regarding HCTC. The website includes a “Donor” page, policies and procedures, recordings for nonprofit staff, and links to all items provided in this handbook.

[House Bill 22-1083](#) - Statute that has created the HCTC Program and provides rules and guidance to DOH staff, nonprofits, and donors.

[USDA Rural Designator Look Up Feature](#)

[Formatting and Style Guide](#) - Please use this guide when submitting information to the nonprofit for your contribution to ensure tax credit certificate and HCTC database accuracy.

[Colorado Privacy Act](#)

