

Department of the Treasury
Internal Revenue Service

▶ **Attach to your return.**

Name(s) shown on return

Identifying number

Part I Tentative Empowerment Zone Employment (EZE) Credit

1	Enter the total qualified zone wages paid or incurred during calendar year 2001 (see instructions)	1		
2	Current year credit. Multiply line 1 by 20% (.20) (see instructions)	2		
3	EZE credits from pass-through entities	If you are a—		3
		a Shareholder	Schedule K-1 (Form 1120S), lines 12d, 12e, or 13	
		b Partner	Schedule K-1 (Form 1065), lines 12c, 12d, or 13	
		c Beneficiary	Schedule K-1 (Form 1041), line 14	
	d Patron	Written statement from cooperative		
4	Total current year EZE credit. Add lines 2 and 3	4		
5	EZE credit included on line 4 from passive activities (see instructions)	5		
6	Subtract line 5 from line 4	6		
7	EZE passive activity credit allowed for 2001 (see instructions)	7		
8	Carryforward of EZE credit to 2001	8		
9	Carryback of EZE credit from 2002 (see instructions)	9		
10	Tentative EZE credit. Add lines 6 through 9. (S corporations, partnerships, estates, trusts, and cooperatives, see instructions.)	10		

Part II EZE Credit Limit Based on Amount of Tax

11	Regular tax before credits:	}	11	
	• Individuals. Enter the amount from Form 1040, line 40			
	• 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:	}	12	
	• Individuals. Enter the amount from Form 6251, line 28			
	• Corporations. Enter the amount from Form 4626, line 15			
	• Estates and trusts. Enter the amount from Form 1041, Schedule I, line 39			
13	Add lines 11 and 12		13	
14a	Foreign tax credit		}	
b	Credit for child and dependent care expenses (Form 2441, line 9)	14b		
c	Credit for the elderly or the disabled (Schedule R (Form 1040), line 20)	14c		
d	Education credits (Form 8863, line 18)	14d		
e	Rate reduction credit (Form 1040, line 47)	14e		
f	Child tax credit (Form 1040, line 48)	14f		
g	Mortgage interest credit (Form 8396, line 11)	14g		
h	Adoption credit (Form 8839, line 14)	14h		
i	District of Columbia first-time homebuyer credit (Form 8859, line 11)	14i		
j	Possessions tax credit (Form 5735, line 17 or 27)	14j		
k	Credit for fuel from a nonconventional source	14k		
l	Qualified electric vehicle credit (Form 8834, line 20)	14l		
m	Add lines 14a through 14l		14m	
15	Net income tax. Subtract line 14m from line 13. If zero, skip lines 16 through 20 and enter -0- on line 21		15	
16	Tentative minimum tax (see instructions)	16		
17	Multiply line 16 by 75% (.75)	17		
18	Net regular tax. Subtract line 14m from line 11. If zero or less, enter -0-	18		
19	Enter 25% (.25) of the excess, if any, of line 18 over \$25,000 (see instructions)	19		
20	Enter the greater of line 17 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. If zero or less, enter -0-		23	
24	EZE credit allowed for the current year. Enter the smaller of line 10 or line 23 here and on Form 1040, line 50; Form 1120, Schedule J, line 6d; Form 1120-A, Part I, line 4a; Form 1041, Schedule G, line 2c; or the applicable line of your return		24	

General Instructions

Section references are to the Internal Revenue Code.

Purpose of Form

Use Form 8844 to claim the empowerment zone employment (EZE) credit. For tax years beginning in 2001, the credit is 20% of an employer's calendar year 2001 qualified wages and certain training and educational expenses paid or incurred on behalf of qualified zone employees.

Although the EZE 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.

Definitions

Empowerment zones are the areas designated from qualifying areas nominated by state and local governments. For purposes of the EZE credit for calendar year 2001, the Secretary of Housing and Urban Development (HUD) has designated parts of the following cities as urban empowerment zones.

- Atlanta, GA (9.29 square miles).
- Baltimore, MD (6.8 square miles).
- Chicago, IL (14.33 square miles).
- Cleveland, OH (7.0 square miles).
- Detroit, MI (18.3 square miles).
- Los Angeles, CA (city and county) (19.7 square miles).
- New York, NY (Manhattan and the Bronx) (7.6 square miles).
- Philadelphia, PA/Camden, NJ (4.4 square miles).

For purposes of the EZE credit for calendar year 2001, the Secretary of Agriculture (USDA) has designated the following rural empowerment zones.

- The Kentucky Highlands (part of Wayne and all of Clinton and Jackson counties).
- Mid-Delta, Mississippi (parts of Bolivar, Holmes, Humphreys, Leflore, Sunflower, and Washington counties).
- Rio Grande Valley, Texas (parts of Cameron, Hidalgo, Starr, and Willacy counties).

Under section 1400, parts of Washington, DC, are treated as an empowerment zone. For details, see Notice 98-57, 1998-2 C.B. 671.

You may call HUD at **1-800-998-9999** for information on the urban empowerment zones. You may call the USDA at **1-800-645-4712** about the rural empowerment zones. On the Internet, visit the EZ/EC Home Page at www.ezec.gov.

Qualified zone employee means any employee 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 these services (anywhere in the District of Columbia for the DC zone).

Both full-time and part-time employees may qualify.

The following are **not** qualified zone employees.

- 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) to, 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 that 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, the principal activity of which is farming (within the meaning of section 2032A(e)(5)(A) or (B)), 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.

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.

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 claiming only a credit that was allocated to you from a flow-through entity.

Line 1

Enter the total qualified zone wages paid or incurred during **calendar year 2001**.

Qualified zone wages are wages paid or incurred by an employer for services performed by an employee while the employee is a qualified zone employee (defined earlier). Wages have the same meaning as given in section 51, and are generally defined as those wages subject to the Federal Unemployment Tax Act without regard to the dollar limitation.

For each qualified zone employee, the amount of qualified zone wages that may be taken into account for a calendar year is limited to the first \$15,000. Wages **do not** include any amount taken into account in figuring the work opportunity credit on Form 5884. The \$15,000 limit is reduced by the amount of wages paid or incurred during the year that are used in figuring the work opportunity credit for that employee.

The following are also treated as wages paid to an employee.

- Amounts paid or incurred by the employer as educational assistance payments excludable from the employee's gross income under section 127, but only if paid or incurred to a person who is not related to the employer. For this purpose, a person is related to the employer only if that person has a relationship to the employer described in section 267(b) or 707(b)(1) (substituting "10 percent" where "50 percent" appears in these sections), or the employer and that person are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52).
- 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.

Line 2

In general, you must reduce your deduction on your return 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 2001 EZE credit from Form 8582-CR or Form 8810. See the instructions for the applicable form for details.

Line 8

Enter the amount of the EZE credit you carried forward from 2000.

Line 9

Use only if you amend your 2001 return to carry back an unused EZE credit from 2002.

Line 10

If line 10 is zero, skip Part II.

Pass-through entities allocate the credit as follows.

S corporations and partnerships. Allocate the line 10 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. The line 10 credit is allocated 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 EZE credit, but a cooperative described in section 1381(a) takes 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 16

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 16 the TMT from the line shown below.

- Individuals: Form 6251, line 26.
- Corporations: Form 4626, line 13.
- Estates and trusts: Form 1041, Schedule I, line 37.

Line 19

See section 38(c)(3) 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. If you are filing Form 3800, enter on line 22 the amount shown on line 18b of Form 3800. If you are filing only a single separate general business credit form (other than **Form 6765**, Credit for Increasing Research Activities), 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). If you are filing only Form 6765, enter the credit from line 55 of that form.

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 excess credit back 1 year then forward for up to 20 years. To carry back an excess 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 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** 9 hr., 19 min.
- Learning about the law or the form** 2 hr., 28 min.
- Preparing and sending the form to the IRS** 2 hr., 45 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.

