

INSURANCE CODE

TITLE 3. DEPARTMENT FUNDS, FEES, AND TAXES

SUBTITLE B. INSURANCE PREMIUM TAXES

CHAPTER 233. CREDIT AGAINST CERTAIN TAXES FOR CERTAIN HOUSING
DEVELOPMENTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 233.0001. DEFINITIONS. In this chapter:

(1) "Allocation certificate," "credit," and "qualified development" have the meanings assigned by Section [171.551](#), Tax Code.

(2) "State premium tax liability" means any tax liability incurred by an entity under Chapter [221](#), [222](#), [223](#), or [224](#). Added by Acts 2023, 88th Leg., R.S., Ch. 811 (H.B. [1058](#)), Sec. 2, eff. January 1, 2024.

SUBCHAPTER B. CREDIT

Sec. 233.0051. CREDIT. (a) An entity is eligible for a credit against the entity's state premium tax liability in the amount and under the limitations provided by this chapter if the entity owns a direct or indirect interest in a qualified development.

(b) An entity that claims a credit under this chapter is not required to pay any additional retaliatory tax under Chapter [281](#) as a result of claiming the credit.

Added by Acts 2023, 88th Leg., R.S., Ch. 811 (H.B. [1058](#)), Sec. 2, eff. January 1, 2024.

Sec. 233.0052. LENGTH OF CREDIT; LIMITATIONS. (a) The entity shall claim the credit in the manner provided by Section [171.556](#), Tax Code.

(b) The total credit claimed under this chapter for a report, including any carry forward or backward described by Subsection (c), may not exceed the amount of the entity's state premium tax liability due for the report after any other applicable

credit.

(c) The entity may carry a surplus credit forward or backward as provided by Section 171.557, Tax Code.

Added by Acts 2023, 88th Leg., R.S., Ch. 811 (H.B. 1058), Sec. 2, eff. January 1, 2024.

Sec. 233.0053. APPLICATION FOR CREDIT. (a) An entity must apply for a credit under this chapter on or with the tax report for the tax year for which the credit is claimed and submit with the application a copy of the allocation certificate issued in connection with the qualified development and any other information required by Subchapter K, Chapter 171, Tax Code.

(b) The comptroller shall adopt a form for the application for the credit. An entity must use this form in applying for the credit.

Added by Acts 2023, 88th Leg., R.S., Ch. 811 (H.B. 1058), Sec. 2, eff. January 1, 2024.

Sec. 233.0054. RULES; PROCEDURES. The comptroller and the Texas Department of Housing and Community Affairs, in consultation with each other, shall adopt rules and procedures to implement, administer, and enforce this chapter.

Added by Acts 2023, 88th Leg., R.S., Ch. 811 (H.B. 1058), Sec. 2, eff. January 1, 2024.

Sec. 233.0055. APPLICABLE PROVISIONS. The provisions of Subchapter K, Chapter 171, Tax Code, relating to recapture, allocation of credit, apportionment of credit, length of credit, filing requirements after allocation, and compliance monitoring apply to the credit authorized by this chapter.

Added by Acts 2023, 88th Leg., R.S., Ch. 811 (H.B. 1058), Sec. 2, eff. January 1, 2024.

SUBCHAPTER C. EXPIRATION OF AUTHORITY TO ALLOCATE CREDITS

Sec. 233.0101. EXPIRATION OF ALLOCATION AUTHORITY; USE OF ALLOCATED CREDITS. (a) The authority of the Texas Department of

Housing and Community Affairs to reserve credit amounts and issue allocation certificates for purposes of Subchapter [K](#), Chapter [171](#), Tax Code, and this chapter expires as provided by Section [171.565\(a\)](#), Tax Code.

(b) An entity may claim a credit under this chapter on a tax report as provided by Section [171.565\(b\)](#), Tax Code.

Added by Acts 2023, 88th Leg., R.S., Ch. 811 (H.B. [1058](#)), Sec. 2, eff. January 1, 2024.